

and where they would be liable to penalty or confiscation if not up to their grade. I confess that that is one of those difficulties which I have not quite solved in dealing with this measure.

Section allowed to stand.

On section 7,

Mr. MORIN. I think the words 'hard labour' should be struck out of this section. Suppose a man should buy ten pounds of seeds or sell ten pounds of seeds he would be sent to jail at hard labour. I would suggest that the penalty be according to the amount of seeds sold. If a man sold a thousand pounds, it might be right enough for him to pay the penalty of \$10; but if he sold ten pounds, that penalty would be severe. In our district we have no such place as hard labour; we can send a man to jail, but that is all.

The MINISTER OF AGRICULTURE. This clause is taken, I think verbatim, from the General Inspection Act, and the penalties are the same as they are there. I suppose we might strike out the words 'hard labour' if that penalty is thought to be too hard. But that portion of the clause, and also the amount of the fine running from \$100 down to \$10, is supposed to be left to the discretion of the magistrate who imposes the sentence.

Mr. BELL. It seems to me that it is rather an excessive penalty to make the minimum fine for each offence \$10. If a person sold half a dozen packages of vegetable seeds, he would be liable to pay a fine of \$10 for each package sold. That would impose an enormously heavy penalty for what would be a trifling injury.

Mr. MONET. I believe that fraud is the same thing, whether the amount of seed sold be large or small. I believe that the clause as it reads is all right, except perhaps that it is a little too harsh for the first offence. This is a new Act, and I suppose that everybody who will come under its provisions will be guilty for the first time. Suppose a person should be prosecuted under this Act. Suppose he should be brought to a justice of the peace, who would be very severe upon him and sentence him for the whole amount of the penalty, \$100. The man is unable to pay that. So he will have to be condemned to jail, with or without hard labour. If this was his first offence, I think that sentence would be found to be very hard upon him. I would suggest that for the first offence, the accused should be dealt with very leniently, as this will be a new law and should not be too rigorously administered in the beginning. Let the justice of the peace be as severe as possible in the case of second or third offences, but not in the case of a first offence.

Mr. MORIN. The hon. the minister has said that we would leave the penalty to

the discretion of the justice of the peace. I am a justice of the peace myself and I would advise the hon. minister not to trust them too much because some of them will be inclined to give too hard a dose. Justices of the peace are sometimes very crusty and will go the full length the law allows, when there is no necessity for it. Better not leave the matter entirely in their hands.

The MINISTER OF AGRICULTURE. Does my hon. friend suggest that we should make a fixed penalty for each offence and leave no discretion to the magistrate?

Mr. MORIN. I would do that if I were in the hon. minister's place.

Mr. MONET. I do not think it would be right to impose a fixed penalty, because there might be differences in the guilt of the accused. At the same time the margin is rather large—from \$10 to \$100. Why not say from \$10 to \$25 or from \$10 to \$50.

Mr. MORIN. Or reduce it to \$5.

The MINISTER OF AGRICULTURE. I will let that section stand.

Section allowed to stand.

The person on whose behalf any seed is sold, offered, exposed or had in possession for sale, contrary to the provisions of the foregoing sections of this Act, shall be prima facie liable for the violation of this Act.

Mr. BORDEN (Halifax). In what case shall he not be liable?

The MINISTER OF AGRICULTURE. If he proves that it was sold by an agent not authorized or who tampered with it, without his knowledge or order, he would escape liability. But if his clerk or storeman sold it, he would be liable prima facie, and he would have to prove that his employees had acted contrary to his orders or had intentionally deceived him.

Mr. BORDEN (Halifax). If that be the intention, far better to say so.

The MINISTER OF AGRICULTURE. It does say so practically.

Mr. BORDEN (Halifax). I should not think so. You have statutes in which a man is held liable even without any intention to violate the law and others in which the intention is necessary. I suppose section 8 is in the latter category.

The MINISTER OF AGRICULTURE. It is reproduced from the General Inspection Act.

Mr. BORDEN (Halifax). I would be inclined to make the same criticism on that. It is very easy to say 'shall be liable for a violation of this Act unless he shall prove that the person acting on his behalf did so against his express orders or direction.'

The MINISTER OF AGRICULTURE. I think the section practically throws the