

submit we ought not to be asked to enact legislation of the kind. Quoting again from the report, Dicey says finally:

The "rule law," lastly, may be used as a formula for expressing the fact that with us the law of the constitution, the rules which in foreign countries naturally form part of a constitutional code, are not the source but the consequence of the rights of individuals as defined and enforced by the courts.

In other words, individuals have certain inalienable rights, one of which is not to have their property or person put in jeopardy for any offence that is not known, and which is not a part of the law of the land. But in this bill you are making a man liable to both fine and imprisonment, the extent of which is set forth in the enactment of this parliament for acts that to-day are wholly innocent and which will not become offences generally, and of which even the nature is not known at this very time the penalties which are to apply to them are being set forth.

Mr. GUTHRIE: The powers of the board in respect of which it may make orders are all fully set out in section 4, and it can make orders only in respect of the matters set out in section 4. There is the very same provision in the grain act. By section 15 it is provided that the board may make regulations in respect of its powers which are set out in paragraphs (a) to (t) inclusive.

Mr. MACKENZIE (Vancouver): Are the penalties specified in the grain act?

Mr. GUTHRIE: I do not know. I am talking about the power to make orders. There are penalty clauses specifying the amount and the limits of the amount. The whole jurisdiction of the board to make orders is set out in this act, and if people break the orders they may be penalized.

Mr. MACKENZIE KING: I assume that any orders the dominion board would make would be applicable from one coast to the other, but this section goes further. It does not apply simply to orders by the board but to any order issued by a local board, and a local board may be nothing but a small group of interested producers in one community.

Mr. GUTHRIE: The local boards are a different thing.

Mr. MACKENZIE KING: No. This section applies—

Mr. GUTHRIE: Read it.

Mr. MACKENZIE KING: Section 14 reads:

Every person who fails to comply with any order or determination of the board or of a local board—

That is what I take exception to; it may be the order of a local board:

—or any regulation of the governor in council shall be guilty of an offence.

These local boards are boards of self-interested occupational groups, and they instead of this parliament are to be allowed to make a part of the criminal law. In other words, under this legislation these interested groups are to be permitted to make laws which will subject others, some of their own class possibly, and some not of their own class, it may be—certainly it is not a board representative of all classes—to a penalty of fine and imprisonment if they do not comply with the orders they may make.

Mr. GUTHRIE: These regulations or orders are all approved by the governor in council before they have the force of law.

Mr. STEWART (Edmonton): I quite appreciate that it is useless for us to raise objections because the government is going to put this bill through, and so far as I am concerned I hope they do put it into effect. But may I point out to the minister that there may be a local board set up within certain geographical limits, and all the producers within those limits whether they consent or sign or not are to be subject to the orders of the board. The minister informed us some days ago that that was the effect. Here you are fixing a penalty of \$500 or imprisonment not exceeding three months, or both fine and imprisonment, if some order of that local board is not complied with. If I am wrong in my interpretation of these provisions I should like to be put right. Now where twenty-five per cent of the producers in a given territory are forced in against their will, without even having a poll, and then the board is given power to subject some producer who refuses to come in to a penalty of \$500 or imprisonment or both, well, you will have a nice state of affairs in that community.

Mr. MACKENZIE KING: I would point out further that the whole purpose of parliament is to see, when legislation is being enacted the effect of which is to deprive the individual of his personal liberty or his property, that at least it shall be enacted by those who have been elected to parliament under methods which are intended to ensure the representation of all classes. But this is the making of law not by representatives of