

much a load. If some provision is not made under this Bill to meet the case of such sales, the men selling that wood would be exempt; they could bring their wood in in any shape they please, and sell it, of course, to the best advantage.

Mr. McKENZIE: The punishment provided in this section seems rather severe. A person selling wood may have a very small quantity on his sled, perhaps not more than one-eighth or one-tenth of a cord, and may in good faith think he has more. Now if the quantity turns out by exact measurement to be less than that required by the law, and if the seller is not guilty of intentional deception, he ought not to be hastily dealt with. A man who wrongfully or fraudulently represents the quantity in a load of wood is properly liable to punishment. But this legislation does not say that the wood-seller's action must be wrongful or fraudulent; if the load turns out to be even a fraction less than he thinks it is he incurs a penalty of \$25 or \$50. I would suggest that the penalty be applied if there is fraud or intention to deceive. As the clause is now drafted, a magistrate before whom an offender was brought would have no discretion at all, and could not inquire whether or not he acted in good faith.

Sir GEORGE FOSTER: What does my hon. friend suggest?

Mr. McKENZIE: There should be something to show that there has been a fraudulent intent in imposing upon the buyer something that is to the knowledge of the seller improper. The words "wrongfully tries to pass off as a larger quantity of wood a smaller quantity," express my idea. The minister might send the Bill back to whoever drafted it, and he will understand exactly what I mean when I say there should be something to show to the court that it is not the intention of the law to punish a man unless he wilfully misrepresents his goods. It should also be made clear that the magistrate shall have option as to the amount of the fine. The present Bill provides a penalty not exceeding \$25 in the first instance and \$50 in the second. The court should have discretionary power as to how much the fine should be.

Sir GEORGE FOSTER: There is something in the point which my hon. friend raises. We do not want to go so far as to render the clause nugatory by allowing the real offender to get off. If there is a very small disparity in the measurement, done

[Mr. Sexsmith.]

without wilful intent, it seems rather hard to put the full penalty upon the seller. I have made a note of that suggestion, and I will see if the clause can be modified.

Mr. FORTIER: I agree with my hon. friend (Mr. McKenzie) that there should not be a fixed penalty, so that the magistrate may fine, according to the circumstances, as low as one dollar if he sees fit. I think that this Bill is going too far, as it seems to have been the intention of the party who drafted it to make it compulsory to sell wood by the cord. I am of the opinion that the seller should be permitted to sell wood by the load. Moreover, I do not think there is any reason for passing any legislation upon this matter. I think the Government, in restricting the selling of wood to cord measurement to be consistent should impose a penalty for selling food or other commodities not up to similar definite standards.

It may be argued that the Bill aims to establish what should be the content of a cord of wood, but that has been done already by previous legislation. I submit that the clauses concerning firewood should be struck out.

Mr. SEXSMITH: I quite agree with the hon. member (Mr. Fortier) that this legislation is quite drastic. In the district I represent, and, I think, throughout the province of Ontario, a custom has grown up where wood 20 and 22 inches in length is accepted by the consumer, and in fact, requested by him. I was discussing this matter last winter, and one man in the wood business instanced to me where he sold 20-inch wood. If that wood had been 18 inches, he could have sold it without difficulty, because the people of the town had been in the habit of getting wood that length, which suited their particular stoves better. In fact, 20 and 22-inch wood has been asked for and accepted for quite a long time. Several dealers told me last winter that they would be satisfied to give 128 cubic feet, but they would have to charge a little extra, but that the demand to-day is for wood cut not longer than 18 to 22 inches. One would think from reading some of the newspapers of the country which have been discussing this matter that it was the man who sold the wood who was to blame for the shorter length. That is not so at all. There is a demand for 20-inch wood, and people are willing to take that wood in preference to a 24-inch length, as it is more convenient for their use. As wood has become very expensive, people are commencing to kick