

sumer, and it has never been the practice to initiate a prosecution against a person who sells goods in a container just as he himself received them. Prosecution for violation of the Inspection and Sales Act, if any, in that case would be against the manufacturer.

Mr. PEDLOW: I would like to have one further opportunity of impressing my views upon the minister, who is evidently not yet quite convinced. The member for Dundas (Mr. Casselman) said a few minutes ago, that owing to the fact that there might be habitual cases of carelessness on the part of merchants or their employees this clause, in his estimation, was all right. But I submit it is not the habitual offenders that will suffer and feel the consequent exposure most, but the casual offender. The person who has really committed an offence under this clause—not intentionally, not knowingly, not wilfully, but by mere accident; you may call it negligence, a term that the Acting Minister of Justice is very fond of—will be the one to suffer, although the offence may be an accident purely and simply. I think it is the feeling of those members of the Committee who have given the matter careful consideration that there should be some safeguard provided so as to protect a merchant against such imposition as has been referred to, viz: that a dissatisfied employee might, in order to get even with his employer, act in collusion with a friend who would institute a prosecution for short measure. There are a thousand and one ways in which a merchant might not only be penalized, but exposed to the odium which such proceedings involves, although that merchant is a conscientious person who gives the public the best of service and full measure and full weight in the sales which he makes. Like my hon. friend from George Etienne Cartier (Mr. Jacobs), I am willing and desirous that the public should be protected to the last degree in a matter of this kind, and that every safeguard should be attached to purchases by the public; but you can make the penalties resulting from proceedings under the Act so irksome, irritating, and annoying to the persons interested that it will be a continual source of worry to them. From week-end to week-end, and from year to year they will always be in terror of suffering seriously by reason of a slight deviation from the exact line of measure. As I said before, in my experience in mercantile affairs, covering a period of forty years, I have found that the measures going over a counter, either in yardage or weight, vary as often

one way as the other. In a hasty operation of the scale or the yard measure an employee, even with the best of care, is liable to give over measure or short measure. Now the employee who has given in one case short measure even to the extent of a hair's breadth, is liable to a penalty under this Bill. I submit that the minister will be well advised if he listens to reason, reconsiders his decision, and inserts in this clause some qualifying provision.

Mr. A. K. MACLEAN: I had intended, when last on my feet, to state that legislation similar to this has been enacted in other countries, particularly in the United States. The states of Massachusetts and Wisconsin have enacted a law of this kind, and I think that New South Wales has likewise passed legislation on similar lines. All this indicates that in the experience of other countries it was found impossible to secure convictions without these special enactments. My hon. friend (Mr. Pedlow) appears to be apprehensive that the merchants will be harassed by the officers of the department in the enforcement of this law. I think I can safely assure him that there will never be any attempt to punish the casual violator of the Act, because there has always been what is known technically as "a toleration of error" allowed in any cases which come under the observation of the officers. For example, the toleration of error is applied to scales to insure protection to the man who owns and uses those scales. I think the Committee may feel quite sure that the department will not institute prosecutions for what would appear to be casual offences or mistakes, or some infinitesimal shortage in weight. The principle upon which this legislation is based is that a man is entitled to get the thing for which he pays, and if he does not, it is no justification that the employer has careless or dishonest officials. I can see the merit in my hon. friend's contention that there may be unintentional short weight delivered, and in some cases overweight. At the same time the delivery of short weight is becoming, or rather, it has become, quite common, and there ought to be some means of dealing with it and giving publicity to the fact, as against some of the offenders. After all, it is in the interest of the business man or dealer, who is scrupulously careful about giving the proper weight to his customers, that some other dealer, through carelessness on his part, or on the part of his employees, should not profit to his disadvantage.