

out that section 324. I think the penalty clause ought to be made to apply to all the sections of that part of the Act.

New section 328 stands.

New section 329 was agreed to.

On section 331—penalty for destroying or pilfering fruit:

Hon. Mr. DANIEL: That provision includes porters on railways, I suppose.

Hon. Sir JAMES LOUGHEED: Yes.

Hon. Mr. BOSTOCK: There will be a conflict, because there is a clause 331 in the Act.

Hon. W. B. ROSS: Yes, that should be 331A.

Hon Sir JAMES LOUGHEED: It will be observed that in section 1 we do not repeal section 331 of the old Act. The section in the Bill should be 331A.

New section 331A was agreed to.

On new section 332—penalty for obstructing officer, etc:

Hon. Mr. BELCOURT: What is the meaning of the words, "are sooner paid"?

Hon. Mr. DANDURAND: Sooner than going to gaol.

Hon. W. B. ROSS: There will be a penalty for infractions of sections 325 and 326. Section 330 of the old Act reads in this way:

Every person who neglects to comply with or who packs for exportation, apples, pears or quinces, by the barrel or box otherwise than in accordance with foregoing provisions of this part, shall be liable, on summary conviction, to a penalty of twenty-five cents for each barrel or box of apples, pears or quinces so offered or exposed for sale or packed.

That covers the whole thing.

Hon. Mr. BELCOURT: That does not cover section 326.

Hon. W. B. ROSS: Section 331 of the old Act says:

Every person who neglects to comply with any of the provisions of this Part relating to boxes of berries or currants, or berry boxes or baskets of fruit, or who sells or offers for sale any fruit or berry boxes in contravention of any of the said provisions shall be liable, on summary conviction, to a fine of not less than twenty-five cents for each basket or box so sold or offered for sale.

Hon. Mr. BELCOURT: Can my honourable friend answer the question which I asked him as to the meaning of the words, "are sooner paid?"

Hon. Mr. BOSTOCK.

Hon. Sir JAMES LOUGHEED: The liability to imprisonment does not arise if the costs are sooner paid.

Hon. Mr. BELCOURT: I have never seen that wording before. To my mind it is very inapt.

Hon. Sir JAMES LOUGHEED: How would you put it?

Hon. Mr. BELCOURT: "Are forthwith paid," or paid within, say, one week. That is the usual way.

Hon. W. B. ROSS: Suppose a man is sent to jail for six months, at the end of thirty days he could pay the fine and get off. He will stay in jail for six months unless the fine and costs are sooner paid.

New section 332 was agreed to.

On section 337A—potato grades:

Hon. Mr. BEIQUE: Why are seed potatoes excluded under subsection 2? I could understand excluding them as to size, but the quality ought to be the same. There is more reason for seed potatoes being free from scabs and disease than there is for potatoes sold for consumption.

Hon. Sir JAMES LOUGHEED: I am informed that this is the same as the provision in force in the United States. It is introduced into our Act more for the purpose of uniformity than anything else.

Hon. Mr. BEIQUE: It is bad legislation.

Hon. Mr. BOSTOCK: If it is not good legislation, why should we do it just because the United States does it? Seed potatoes should be just as sound and good as other potatoes.

Hon. Sir JAMES LOUGHEED: They can be sold as ungraded potatoes for seed purposes.

Hon. Mr. BEIQUE: Under this provision diseased potatoes can be sold without the vendor being liable to a penalty.

Section 337A was agreed to.

On new section 328—Penalty for violating sections 320 and 321 (re-considered):

Hon. Sir JAMES LOUGHEED: The proposed amendment will be stricken out.

New section 328 was agreed to.

The Bill was reported with amendments, read the third time and passed.