

it is a great deal too much. In no case that we have examined is it any too small. I think the United States sections are preferable, and I propose to substitute them therefor. They read:

The following tolerances and variations from the quantity of the contents marked on the container shall be allowed.

(a) Discrepancies due exclusively to errors in weighing, measuring or counting, which occur in packing conducted in compliance with good commercial practice,

(b) Discrepancies in weight or measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of the packages to evaporation, or to the absorption of water.

That is scientifically correct, and it allows the court, or whoever is giving the judgment, to decide whether these go beyond or fall within these limits of discrepancies. To make it an absolute percentage is a very awkward way of getting at results. In the case of bulky articles 5 per cent would be too much, and one-half per cent might be too much, and in other cases might be about right.

Section as amended agreed to.

On section 359—to be sold by cord defined.

Sir GEORGE FOSTER: I propose to amend that by adding after the word "cord" the words "or fraction thereof."

Mr. CROWE: Most of the wood sold in my district is sold by the load. It is largely mill refuse or slabs. People bring in cordwood and resaw it in stove lengths of 16 inches, and sell it in competition with the mill refuse. Will the people who bring in the wood and sell it in competition with the mill refuse have to sell it by the cord?

Sir GEORGE FOSTER: The matter of firewood is difficult to legislate upon. A great many complaints have come to the department, and especially in the last few years, as to the impositions in regard to the sale of wood, and a very persistent demand has been made that there shall be some standard fixed by which wood shall be sold or bought, or may be sold or bought. It is proposed, therefore, to make the cord the standard of measurement. From that there is exempted mill-scrap, kindlings and other mill refuse, and from that there will also be the exemption which I propose to move later on, that notwithstanding anything in this Act, wood may be sold other than by the cord, unless the cord be stipulated at the time of purchase. This, therefore, practically fixes a standard by which

[Sir George Foster.]

wood may be sold with the exception of mill-scrap, kindling and other mill refuse; so that, if a person wishes to contract to deliver wood, and another person wishes to contract to purchase that wood to be delivered by the cord, the standard is set and the measurements have to be made, and the quantity delivered by the cord or fraction thereof.

But, if agreed between the purchaser and the seller that they will conduct their operations on the basis of the load or in any other way, then it becomes a case in which the standard does not apply. It is a matter of agreement between the purchaser and seller. For all those who wish to know that they are doing it upon a fixed basis, where measurements can be applied, the standard to be named a cord, is made the standard for such transactions. In that way it will not inflict any hardship on the trade and will protect in a good many cases the buyer where now there is absolutely no protection. Cases have been brought to the attention of the department where wood, purporting to be sold by the cord, has been very much below the cord. There is some remedy, I suppose, but unless you have a standard fixed it is difficult to apply the remedy.

Mr. CROWE: You are protecting the man who buys by the cord, but you are not protecting the man who buys by the load. Most of our fuel is bought by the load. The mill refuse is cut up into sixteen-inch lengths and sold by the load. There is no protection for the buyer. If the person who is selling that wood were obliged to have a standard size for a load, or if he were required to inform the purchaser how many cubic feet there were in the load, there would be some protection. But, there is no protection here. I repeat that you are protecting the man who buys by the cord, but you are not protecting the man who buys by the load.

Sir GEORGE FOSTER: You are protecting the man who buys the most expensive kind of wood but it would be almost impossible to fix a standard for kindling wood, mill scrap and the like of that.

Mr. SEXSMITH: Is it not a fact that wood has always been sold in Canada by the cord? If I ordered a cord of wood, and a man brought it to my place, would I not exact from him 128 cubic feet?

Sir GEORGE FOSTER: Yes. If you had made your contract in that way.