

from, and then we take receipts from those parties so that he actually gets the grain, therefore the case to which the hon. gentleman refers, where a farmer might, after getting the money, decide not to buy, would not arise.

The hon. member's point is well taken, I think, and it might be met by inserting, after the word "advance," the words "through his own default."

Mr. McMASTER: I am also of opinion that the point is well taken, but I would suggest that the clause might read as follows:

Any person who is guilty of misrepresentation or fraud in securing an advance, or in the use of the grain secured under this Act, shall be subject

Then, to constitute an offence there would need to be some tortuous condition existing in connection with the use of the grain. I am not a farmer but I have often lived in the country, and would very much regret to see a man fined a thousand dollars because, having some of this grain left over, he fed it to his chickens. But that would be the position in which he would find himself.

Mr. ROBB: I remember there were frauds in connection with the sale of seed grain in previous years, and it is probably as well that the minister should in this matter provide against a repetition of them. I see no serious objection to the amount of the fine imposed, but it seems to me that in recent months the Department of Justice has been unnecessarily imposing long terms of imprisonment on citizens. A man should not be liable to twelve months' imprisonment for an offence of this kind, and I think it would be advisable to amend this clause so far as this feature is concerned. Fifteen or thirty days would amply meet the ends of justice in this matter.

Mr. MEIGHEN: Referring first to the point raised by the hon. member for Brome, I think it is necessary to define what will constitute fraud after the grain is received, for if his wording were accepted it might not cover fraud at all. If a man slept in his bed all day and never tried to put the seed in it would not be fraud, but I purpose to make it that man's duty to use the seed for the purpose intended and for none other. As to the point which the hon. member for Huntingdon raised, I think he is under a misapprehension in stating that the Department of

[Mr. Meighen.]

Justice has got into the habit of imposing long terms of imprisonment.

Mr. ROBB: I think so.

Mr. MEIGHEN: The department has no power to impose sentences. It has never had that power and does not intend to arrogate it. The Department of Justice is not a court, and the imposition of sentences is a prerogative of the legal courts of the country. As to whether or not twelve months is too long a term, I may say that it has always been the rule to make the term of imprisonment commensurate with the fine, and if I have judged correctly from the examples, the rule has been that the maximum term of imprisonment should be such as the ordinary man would be able to pay if he desired to escape the alternative length of imprisonment. That rule seems to have been observed in this and every Parliament in fixing the relationship between the maximum imprisonment and the maximum fine.

Mr. ROBB: The hon. minister takes exception that the Department of Justice has been imposing heavy penalties. The department fixed these fines in many cases by Order in Council and the minister is now attempting to create a law that will enable a magistrate to imprison men for twelve months.

Mr. MEIGHEN: This is not an Order in Council; it is a statute, and if it passes, the Department of Justice will not be concerned in the imposition of fines and imprisonment, but the courts before whom cases may be tried.

Mr. SINCLAIR (Guysborough): The minister is drawing a distinction between the Department of Justice and the Governor in Council. The Governor in Council has made numerous regulations, non-observance of which is punishable with fine or imprisonment. Under the War Measures Act such regulations have been made by the score, and the particular one I am thinking of just now is that by which it was made a crime to strike at a certain period. The minister may say that the Department of Justice is not altogether responsible for what the Government has done, but I do not think he will say that regulations have not been made by the Government imposing fine and imprisonment.

Mr. MEIGHEN: I was drawing a distinction between the Department of Justice and the courts. It is they who impose fines and never the Department of Justice. It is true that whenever Parliament authorizes them to do so, the Govern-