

*Marketing Act*

(b) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

As I read these provisions, they are very similar to this section 21, with the exception that the section before us goes rather further in that it adds the words "or attempts to receive." Every person who, to the detriment or against the interest of the public, charges, receives "or attempts to receive" any spread, and so on. Nothing quite so drastic as "attempts to receive" appears at present in the criminal code. There may be ample reason for it, but it is going pretty far to make a criminal offence of an attempt to receive.

Mr. GUTHRIE: Even unsuccessful attempts to commit crime are punishable under the code; in fact, there is a clause which provides expressly for such attempts. The mere fact that a man has not succeeded may mitigate the sentence to some extent, but the criminal intent was there when he made the attempt.

There is just one matter that has been brought to my attention in regard to the question raised by my hon. friend from West Middlesex (Mr. Elliott). In the Board of Commerce case, the board itself was authorized to fix prices, and that was perhaps the most prominent reason for the holding that the act was ultra vires. There is no attempt here to fix prices; we have avoided that.

Mr. ELLIOTT: The minister refers to the Board of Commerce case and the power there given to the board, and that perhaps applies more to this section with which we are now dealing than to any other part of the bill. There was a finding by the judicial Committee of the Privy Council that the board by the act were empowered to inquire searchingly into these spreads and to attach what might be criminal consequences to any breach of the regulations. An addition of a consequential character such as this made to the criminal law of Canada, it was held, was something that could not be done. Such an addition to the criminal law could not be made.

Section agreed to.

[Mr. Mackenzie King.]

On section 23.

Mr. DUPRE: I move to add the following as section 23:

When an indictment is found against any person for any offence against this part the accused shall have the option to be tried before the judge presiding at the court at which the indictment is found, or the judge presiding at any subsequent sitting of such court, or at any court where the indictment comes on for trial, without the intervention of a jury; and in the event of such option being exercised the proceedings subsequent thereto shall be regulated in so far as may be applicable by part XVIII of the criminal code respecting speedy trials of indictable offences.

Mr. HEAPS: The proposed section refers to persons. Will the Solicitor General define what is meant by "person" under that section?

Mr. GUTHRIE: Person means person, and includes any corporation or any woman.

Mr. HEAPS: So long as it is all inclusive.

Mr. GUTHRIE: This gives the accused the right to elect for trial without a jury, and also provides for speedy trials under part 18 of the code.

Mr. HEAPS: Would it not be just as well to insert the words "or corporations"?

Mr. GUTHRIE: No; "person" is defined in the criminal code.

Section agreed to.

On section 24.

Mr. DUPRE: I move the following as section 24:

The minister shall annually prepare a report of the proceedings taken under this part and shall lay the same before parliament forthwith, or if parliament be not then sitting within fifteen days after the commencement of the next ensuing session.

Mr. MACKENZIE KING: As the minister has said, this is experimental legislation and we are following to a certain extent what has been done in other acts. I would ask him whether he sees any objection to including in this section just the words "including the moneys expended, guarantees given and obligations contracted under this act." These are works taken from the Relief Act; the report to parliament to contain "a full and correct statement of the moneys expended, guarantees given and obligations contracted under this act." I think it would be advisable for parliament to have that information, because this bill gives to the board and the governor in council a pretty free hand in the expenditure of money; it also gives to the board