

tion of the fruit growers themselves. Sufficient time is permitted for them to use up their old packages. I am not anxious, and I know that the department is not anxious, to make unnecessary changes, but if a change would be a distinct improvement upon what we have had, I cannot guarantee that I will not take action.

Mr. SEXSMITH: I wish to register my protest against too much legislation by Order in Council. This is a very serious matter. As my hon. friend (Mr. Robb) has pointed out, the barrels that were in the trade last year will be used again this year. Barrels that were formerly purchased at 22 cents now cost from 80 cents to \$1 each, and that is quite an item to the fruit growers. Moreover, the fruit growers have never any knowledge of what may happen. Orders in Council are published in the Canada Gazette and only one fruit grower in a thousand ever sees them. The fruit grower may be proceeding on the idea that the regulations are the same as they were last year, whereas they may have been changed over night.

Mr. TOLMIE: I have pointed out that the grower is given ample time in which to use the barrels in his possession. There is always a free and full discussion before any action of this kind is taken. I have stated that this legislation was discussed with the fruit growers in every province of the Dominion that is interested in fruit growing.

Mr. BUREAU: If this consultation with the fruit growers resulted in anything definite, the minister ought to know about it by this time. Surely we are entitled to know what changes he proposes when he takes into his own hands the power of making regulations. If he does not know, we should let the Bill stand until he does know. If he does know, he should tell us what changes are proposed. I do not think that we ought to relinquish our right to legislate in these matters and permit them to be dealt with by Order in Council.

The CHAIRMAN: Shall the clause carry?

Mr. BUREAU: Lost.

Section 1 carried on division.

On section 2—power to make regulations extended:

Mr. BUREAU: What is the section which is here repealed?

Mr. TOLMIE: It reads as follows:

The Governor in Council may make such regulations as he considers necessary in order

to secure the efficient enforcement and operation of this Part, and may by such regulations provide for the imposition of penalties not exceeding thirty dollars on any person offending against them; and the regulations so made shall be in force from the date of their publication in The Canada Gazette, or from such other date as is specified in the proclamation in that behalf; and the violation of any such regulation shall be deemed an offence against this Part and punishable as such.

Mr. BUREAU: Do I understand the minister to say that under the old Act the penalty is a fine of \$30?

Mr. TOLMIE: The repeal of sections 330 and 330B is desired in order that the penalties may be made uniform. At the present time the Act is inconsistent as regards the maximum penalty that may be imposed on any person violating any of the regulations. The Order in Council dated September 14, 1901, passed under authority of the Fruit Marks Act, then in force, gave the Governor in Council authority to make regulations for the enforcement of the Act and to impose penalties not exceeding \$50, while section 333B provides a maximum penalty of \$30.

Mr. BUREAU: I do not see any inconsistency. The Bill provides that the Governor in Council may make regulations and provide for a penalty not exceeding \$30. If I understand aright the reading of that typewritten sheet, the minister says that an Order in Council was passed providing for a penalty of \$30. To-day this section goes further; it reads:

(d) to prescribe penalties not exceeding fifty dollars, and, in default of payment of any such penalty, imprisonment for any term not exceeding one month, for the violation of the said regulations, which penalties shall be recoverable upon summary conviction under part XV of the Criminal Code.

We are to-day taking away from Parliament the right to regulate a matter of Trade and Commerce which concerns all the people of Canada and which is, therefore, a matter that should be known by all the people of Canada. As was rightly said by an hon. gentleman opposite a few minutes ago, while it is all very well to promulgate the decrees of the Governor in Council by publication in the Canada Gazette, the Canada Gazette is read by very few people except those who are immediately interested. Therefore, I do not think it is fair that the Governor in Council should have the right to make regulations which heretofore have been made by Parliament, and to have the power to send people to jail if they contravene these regulations when, as