

Merritt does not come under the definition of "charitable" as set forth in the Bill.

Mr. OLIVER: "Any other charitable purpose" would surely cover the contribution of aeroplanes.

Sir THOMAS WHITE: No. There is a rule of law that would apply there.

Mr. MACDONALD: If the minister is legislating on the subject at all, does he not think he should legislate so that the Government would exercise some supervision over an enterprise such as colonel Merritt's which may be a very worthy one indeed. Colonel Merritt's scheme is a necessary and wise one, or forms part of the necessary preparation for the conduct of the war, why should not the Government itself take the initiative in it? The fact that nothing has been done is only an evidence of lack of understanding and neglect on the part of the Government in dealing with this whole war problem. The Government simply says: "If some gentleman outside wants to go ahead and do this thing, we do not propose to interfere with him." It simply stands aside with dilettante indifference, and does not regulate it or express any opinion about it, but if somebody wants to get up a pie social, away in the backwoods, in order to provide socks for the soldiers, the Government will regulate that. I instanced the case of the hospital ship. Every one knows it was a most tremendous farce that this whole country should be appealed to to give money for a hospital ship which was not needed and for which there was no place. The same thing applies to the machine guns. If aeroplanes are needed, why should not the Government undertake the supplying of them? This seems so elementary that I am surprised the Government does not see it.

Sir THOMAS WHITE: This Bill simply covers war charities. It does not go any further than that. Whether another Bill should be brought in dealing with the question to which my hon. friend refers, or whether that matter if dealt with at all should be dealt with under the War Measures Act, is not now before the committee.

Mr. McKENZIE: I am not familiar with the evils to the country which necessitated the bringing forward of this Bill. In the part of Canada from which I come we have very active associations in connection with matters which this Bill would call, I suppose, war charities. Everything that could be done in the way of Red Cross associations, and for the benefit of our soldiers,

[Sir Thomas White.]

has engaged our attention from the commencement of the war. I never heard of any abuses in regard to the moneys so collected, and I am more or less at a loss to know why it was necessary to bring forward legislation of this kind.

Perhaps the minister has given some instances of abuse which this Parliament should legislate to curb and, if possible, to prevent. It is with a condition of this kind that we have to deal, I presume, when we enact a criminal law such as this is; if there are any abuses in connection with the moneys that are collected we have the criminal law. We are not confined to the Criminal Code but the criminal common law of England is in force here, we had it in force before the code was enacted and it is still in force where the code does not apply. If any person takes money collected for the purposes of the war, or for the soldiers, and applies it to something else, he must have received the money under false pretenses. Suppose he puts on an entertainment which he says is for the purpose of getting money for the soldiers and suppose, after he gets that money, he applies it to some purpose of his own; that is a criminal offence under the provision of our Criminal Code which says that if he receives money under false pretenses he is subject to be dealt with under the code. If he intended at the time he gave the entertainment to apply the money properly and afterwards changed his mind and used it for something else, he is guilty of theft. I make these statements as a lawyer of some age and experience. Any body of individuals engaging in a proceeding of that kind is open to prosecution if any person chooses to lay an information against it. When we have a condition of that kind, and when we have a law well understood, it seems to me that we are putting in an extra wheel here which rather complicates matters and makes it very difficult to deal with such a condition. It is almost impossible to make a safe definition. We have all these definitions in the law which have gone through the mill a thousand times, almost every word of which has received judicial interpretation, and it is rather dangerous to be starting out anew upon side-tracks of this kind. Under section 3, if any person gives an entertainment of any kind, he is liable. I attended a Sunday school entertainment not very long ago where the teachers and pupils got together and had lantern slides. That innocent entertainment of the Sunday school was for the purpose of getting money to buy boxes of stuff