

sideration natural shrinkage? Certain commodities shrink in weight while other commodities gain. For instance, butter and flour shrink slightly, oatmeal and wool gain slightly in weight.

Mr. A. K. MACLEAN: That is always considered in the inspection of goods subject to shrinkage. This is a new clause. The officers of the department think that it will facilitate the administration of the Act and will be in the public interest as well. The only penalty now for short weight delivery is under the Criminal Code, and that is rather a harsh measure to invoke. The amount of short weight delivery in Canada—and I suppose it is true of all other countries—is very substantial indeed, and one would be surprised at the great number of complaints that are made to the officers of the Weights and Measures Branch in regard to it. But when the officers attempt to prosecute offenders for fraud they encounter very serious difficulties. For instance, the proprietor of a store from which short weight delivery has been made may know nothing about it; somebody in his employment may be responsible, or the business may be carelessly managed. Experience has led our officers to ask for this legislation, for they feel that if dealers are punished in this way it will be more easy to secure convictions, and the resulting publicity will act as a deterrent. New South Wales at the present time has the same law. I think Great Britain is adopting it this year. The section appealed to me as being a pretty good way of dealing with such offences. Of course, whatever similar provisions are contained in the criminal law will still prevail dealing with aggravated cases.

Mr. JACOBS: Where does the minister read into the law that the provisions of the Criminal Code will stand, notwithstanding this new provision, 61 (a)? It would seem to me that this would abrogate the section of the Criminal Code dealing with theft or obtaining money under false pretences. It is a specific instance where the law sought to be introduced would over-ride the existing law.

Mr. A. K. MACLEAN: I consulted the law officer of the Crown, and he thought it was quite proper to have that section. I do not think it will repeal whatever is applicable in the Criminal Code. It is practically impossible to invoke the Criminal Code in these matters. I do not know whether my hon. friend has had any experience himself in the prosecution of offenders under the Act; I have not myself.

[Mr. Robb.]

Mr. JACOBS: It does seem to me that a trader who sells goods under weight should be prosecuted to the full limit of the law. He is committing theft, he is obtaining money by false representations, and the public ought to be protected against such dishonesty in the most careful manner. But I think we are simply putting a premium on crime by abrogating the provisions of our criminal law which deal in a proper way with these cases. In the poorer parts of the larger cities people of modest circumstances should be protected by legislation of a vigorous kind. As I said before, the trader will take his chances and sell goods under weight when the only risk he faces is this trifling fine of \$25. It seems to me it is a dangerous departure, and as far as I am concerned I would be in favour of striking that clause from the Bill.

Mr. A. K. MACLEAN: I agree with my hon. friend that there should be no modification of the existing law which would lessen the protection to the public. However, my hon. friend will realize that in criminal proceedings you must prove wilful intent, and if he reflects upon the matter he will realize that it is practically impossible to prove it; and that is the experience of all men engaged in administering laws of this nature. For instance, a few days ago an inspection of sugar in bags supposed to contain 24 pounds revealed a shortage in a great number of the bags, although some were above the specified weight. Take it all in all there was nothing to indicate wilful intent on the part of the manufacturer or dealer; perhaps it was due to carelessness. That state of affairs can be corrected more readily, I think, by giving the department this power to fine such persons. The officers of the department inform me that if they have this section available, a great many prosecutions will be undertaken and considerable publicity given to violations of the law. I think it is a provision that will work out all right in practice, and I should like at least to see it tried.

Mr. P. R. MCGIBBON: People in farming communities sometimes trade grain, lend and exchange grain and so on. Are they obliged to have their scales tested, as traders are?

Mr. A. K. MACLEAN: The Act applies to every one who sells or deals in articles sold by weight.

Mr. MORPHY: Is this clause comprehensive enough to meet the object aimed at? "Any person who sells"—what about