

1 full confidence in, and if so, this should be left to
2 their discussion. We didn't attempt to spell out what
3 the fines and penalties for the various crimes should
4 be, nor to put any range of maximums and minimums. It
5 would be virtually impossible.

6 MR. MARTINEAU: The only meaning of this so
7 far as I understand it, the Court of Appeals has held
8 that a court cannot impose a punishment for a crime in
9 excess of what the law allows, and you couldn't do it
10 anyway; so this sentence, then, is meaningless.

11 THE CHAIRMAN: Mr. Haile?

12 MR. HAILE: There are certain offenses in
13 common law where there is no maximum penalty, and this
14 forecloses any court from imposing a \$50,000 fine for
15 inciting a riot, for example.

16 MR. MARTINEAU: That may be true as far as
17 nonstatutory crime is concerned, but I think it won't
18 be very long before we are going to have a complete
19 criminal law section covering all crimes and there won't
20 be any common law crimes.

21 PROFESSOR ASPER: May I ask, is what you are