

*Criminal Code*

not to commit the same crime, it will be almost one hundred per cent guaranteed to act as a very powerful deterrent to the person who receives that penalty against a repetition of the same crime.

Then, with respect to the question of the gambling laws and lotteries generally, as I said at the outset, Mr. Speaker, I feel that we are going to be much more concerned in the committee with the situation regarding the holding of lotteries than with the question of whether or not a person should be allowed to keep a common gaming house where roulette, fan-tan, and gambling of that sort takes place to the profit of the owner of the house. I do not suppose there is a person here who would not agree that that sort of thing is undesirable in our civilization; but I do think we have to give a great deal more serious thought to the much more difficult problem of the gambling laws generally, particularly with respect to lotteries.

I am not going to attempt to lay down here even a broad general principle, let alone any refined one, or indicate particularly what I think the committee should find, but I am going to take the liberty to suggest this and this alone as the basis of approach. It seems to me we should decide whether or not in fact gambling is a crime; whether or not in fact the conducting of a lottery and taking part in it, even for purposes of raising funds for charity, is a crime, or whether rather the crime does not lie in the conducting of a dishonest lottery or the raising of money, whatever be the motive, by dishonest methods. It seems to me we have to sort out our thinking on this subject and decide for ourselves, without fear or without being too much influenced by outside pressures, whether or not, as I say, the conduct of lotteries and similar activities properly supervised and honestly conducted is really a crime.

One could be amusing about this. I suppose most members of parliament ride on the trains from time to time. Probably most of them journey to and from their homes on the railways. Therefore, as members of parliament, perhaps we are more intimately brought into contact with the question of the gambling laws in Canada than almost any other section of the community, simply because of the frequency with which we have to travel on railway trains where, as every member knows, there is posted in what is obviously felt by the authority in charge of that railway or steamboat to be the most conspicuous place, a warning to all and sundry of the terrible perils that

[Mr. Fulton.]

are attendant upon gambling on that railway car or steamboat. I see the minister nodding his head. I am sure he must have read that warning sign himself.

**Mr. Garson:** On a point of privilege, I was not nodding my head up and down or sideways.

**Mr. Fulton:** Well, I doubt whether the minister could have gone home without seeing that little sign. I do not know whether he is less anxious to agree or to disagree with what I am saying. Perhaps the immobility of his head indicates that he is not going to express his opinion one way or the other. I was going to say that it is an extraordinary situation that if, let us say, the hon. member for Rosetown-Biggan (Mr. Coldwell) and myself happened to be journeying west and we indulged in a little innocent poker game—

**Mr. Coldwell:** Bridge.

**Mr. Fulton:** Or bridge—for stakes, however small, we would be liable to be haled by the conductor or other officer in charge of the railway train at the first available opportunity, with or without warning, before an officer of the peace, and there delivered into his custody and charged with an offence against the Criminal Code of Canada. In fact, it would be incumbent upon that railway conductor so to hale us—I think that is the word—before the peace officer and lay a charge.

**Mr. Fleming:** Is this an actual case?

**Mr. Garson:** May I ask my hon. friend a question? In what percentage of the cases of the innocent poker or other card games upon trains that he has heard of has a prosecution been launched?

**Mr. Fleming:** The minister has got the point at last.

**Mr. Fulton:** I am glad the minister has asked that question. It touches upon the very point I was trying to get over in connection with our approach to the gambling laws. In other words, as the minister is aware, this section is completely disregarded; it is not enforced. People break it and get away with it. I am glad they do, because it would be absurd if it were to be enforced. But is it a healthy state that there should be on the statute books of this country, in the Criminal Code, a section which, as the minister will agree, it is fair to say by his own admission is so absurd that it would produce such folly if not injustice if enforced that it is just simply ignored? As the minister himself knows, a great many of the other provisions of our Criminal Code with respect to gambling, particularly in