

Criminal Code

that the Doukhobors have done into an act likely to contribute to juvenile delinquency is a very grave distortion of the actual intent of the legislation and certainly a distortion of the actual possible effects of that parade. I think it shows a very cavalier attitude toward legislation that such a far-fetched charge should have been laid.

I also think the magistrate who imposed these savage sentences should be subject to some rebuke from some authority. I do not know what authority is the appropriate one, but certainly it was a savage sentence to impose for a nude parade which, after all, was more or less a nuisance. That was all it was; and the very fact that the authorities have repeatedly drawn attention to these nude parades and given them a nuisance value has, I think, created this situation.

On that occasion the magistrate termed these people whom he was sentencing to three years in prison vicious enemies of society. They may be on some other count, but I submit that to call these poor, misguided and obviously psychologically unbalanced creatures vicious enemies of society because they offend against our sense—our aesthetic sense, I suppose; that is probably their greatest offence from what I have heard—is something that I think the government should take some notice of, particularly in view of the fact that there are a number of other circumstances in connection with these cases which indicate that there has been quite widespread disapproval of these court actions.

I have, for instance, a news report from Castlegar dated September 18, indicating that the Castlegar and district chamber of commerce has strongly backed the action of Mr. D. W. Waldie, member of the Doukhobor consultative committee, who resigned as a protest against what he considers this misguided action on the part of the authorities in British Columbia.

The Deputy Chairman: Order. I do not want to interrupt the hon. member's argument. In so far as he is discussing the penalties and the crimes covered by the sections under discussion I would not want to restrain him in any way, but there is a rule of procedure in the house which makes it out of order to make adverse criticism of judges and persons in such positions. I think the hon. member can most likely make his point without either reading other people's criticisms or himself offering criticism of a member of the bench.

Mr. Cameron (Nanaimo): What is the rule that prohibits adverse criticism of judges and magistrates?

[Mr. Cameron (Nanaimo).]

The Deputy Chairman: Citation 305 of Beauchesne's second edition, which reads:

All references to judges and courts of justice and to personages of high official station, of the nature of personal attack and censure have always been considered unparliamentary, and the Speakers of the British and Canadian houses have always treated them as breaches of order.

Mr. Cameron (Nanaimo): I was making no personal attack on this magistrate. I do not know him from a bale of hay. But I am making a very determined and, I hope, vigorous attack upon his actions on the bench in this particular case.

The Deputy Chairman: That is what I am afraid the hon. member cannot do. With respect to the powers given to a magistrate or judge under this act, the hon. member certainly has full right to say that the permissible penalties are too high; but the way in which a judge exercises his discretion can, as I understand it, only be discussed in the house upon a substantive motion leading to his removal, or something of that nature.

Clause agreed to.

Clause 159 agreed to.

On clause 160—*Causing disturbance.*

Mr. Winch: There is a question I should like to ask in connection with this clause, Mr. Chairman. I hope the minister does not mind, but since I am not a lawyer I have to ask questions in order to understand this act. This clause says that everyone who, not being in a dwelling house, causes a disturbance in or near a public place by being drunk is guilty of an offence that is punishable on summary conviction. The fact that this provision is in the bill, I take it, means the federal government has jurisdiction in that connection.

I have seen the Ontario liquor permits, although I have not one myself, and on the opening page it is stated that it is an offence to permit drunkenness in your own home, or your room in a hotel. That rather intrigued me, so I checked up with the Ontario act, which I now have in front of me, and I find under section 88 of the liquor control act the following:

No person shall,

(a) permit drunkenness to take place in any house or on any premises of which he is the owner, . . .

(b) permit or suffer any person apparently under the influence of liquor to consume any liquor in any house . . .

(c) give any liquor to any person apparently under the influence of liquor.

I believe the minister understands my point. I should like to know where the actual jurisdiction lies, or is there a dual jurisdiction? How does it happen that there is one section in the Criminal Code creating a