

While I am on my feet I am going to try to put into a few words—although I fear my thoughts are not well-ordered—the reasons which have persuaded me in other years and persuade me still to oppose this measure. They will not differ in any essential from those advanced this afternoon by the right honourable senator from Eganville (Right Hon. Mr. Graham). I am not one of those who believe that the habit of gambling, even if it is carried to excess, is one of the most demoralizing things in life, but I think that it is not a habit to be encouraged by statute; and it seems to me that a very serious responsibility is taken by a legislature which puts its imprimatur upon any practice, unless it is of the opinion that the practice is a good one or that a restricted sanction of it would be more effective than total prohibition in restraint of indulgence. If I felt that absolute gambling, such as the purchase of sweepstake tickets, ought to be encouraged and was not at all against the interest of the State, then it would appear to be my first duty to remove that practice from the category of crime in which it is placed by our Criminal Code.

Some honourable gentlemen say, "We believe in provincial rights, and we should let the provinces decide whether these things are wrong or not." The Dominion has sole jurisdiction in the realm of criminal law, and the Parliament of Canada is utterly incompetent to devolve upon any province authority to enact criminal legislation. We have taken the ground that the purchase of sweepstake tickets, being undoubtedly a form of gambling, is something which should be denominated criminal and dealt with under our federal jurisdiction. Personally I agree with that view.

If we are of the opinion of those who feel that the purchase of sweepstake tickets is not something to be denominated a crime, I submit we ought at once to repeal that section of our Code. But so long as we have that provision in the Code, let us not say that while the Parliament of Canada considers the practice a crime, we are willing that the provinces shall consider it otherwise if they so desire. For us to take such a position would be not only quite out of harmony with the spirit of our Constitution, but pretty close to being wholly absurd. For instance, having passed criminal legislation that anyone guilty of theft shall go to jail, we do not then provide that if the theft is committed by any province it shall not be regarded as a crime at all, because provincial rights are involved and we must allow the province to say whether or not it wants to steal. Again,

in relation to murder we do not exempt the provinces, as provinces, from the operation of our criminal law. If we come to the conclusion that there is something which should not be prohibited, then our proper course is to repeal the prohibition. In relation to the liquor traffic, we restricted its operation by—

Hon. Mr. BARNARD: May I interrupt the right honourable gentleman to ask him to explain what in his opinion is the difference between the proposal contained in this Bill and *pari mutuel* betting? It was objected to, but the Parliament of Canada legalized this form of betting, subject to certain restrictions.

Right Hon. Mr. MEIGHEN: Yes. I have no hope that merely by defeating this measure we shall bring total consistency into the statutes of Canada. But there is this difference in regard to inconsistency to which the honourable member refers. A limitation is made by one authority in favour of a certain practice. That is to say, we contend that we have authority, and we set about restraining the practice. We say, if this betting is conducted at all it must be by *pari mutuel*. But we do not authorize the provinces to commit what we have defined as a crime.

Hon. Mr. BARNARD: I hope my right honourable friend will allow me to cite another example—the prohibition of liquor during the War. It was a case of provincial local option.

Right Hon. Mr. MEIGHEN: No.

Hon. Mr. BARNARD: Before we had total prohibition.

Right Hon. Mr. MEIGHEN: No. Under our jurisdiction in relation to trade and commerce we did enact by the so-called Doherty Act that no liquor should pass from one province to another save to a destination made lawful by the province to which it went. That is wholly different from passing a criminal law one day and next day saying to the province it may violate that law if it so desires.

I come now to a question which really appertains to the merits of the law as it is, even if this Bill does not pass. I do not think that gambling in sweepstakes or in any other way is a practice to be encouraged by legislatures as something worth while, and especially to be encouraged if the beneficiaries are notable and deserving institutions. I do not like saying in one breath, "This thing is wrong and he who does it goes behind the bars," and in the next breath telling the very same persons, "We do not object to your doing it if your province says it is all right, and the proceeds go to hospitals." I do not