

I shall group these amendments in the order in which I think they are related, and briefly outline their purpose.

Section 2 of the bill provides for the repeal of paragraph (b) subsection 1 of section 119 of the Criminal Code, which has been in operation for some time now and has to do with the restriction of the possession of firearms by aliens who do not hold permits. The incorporation of this paragraph in the Act is a duplication, because later in the Code there is a provision which covers the possession of firearms by all persons not holding permits. Therefore, it does not weaken the Code to delete paragraph (b) of subsection 1 of section 119; it simply removes a duplication.

Section 3 of the bill deals with the registration of firearms. In 1938 an amendment was made to the Criminal Code requiring that all firearms in the possession of Canadians be registered in 1939 and every five years thereafter. The first registration was made in 1939 and the next was to be made in 1944, but in the session of 1943-44 parliament passed an amendment requiring the next registration to be made in 1945, and every five years thereafter.

In 1945 this census or registration was made, but since then a provision has been incorporated in the Code calling for what one might term a running inventory of firearms in Canada. Therefore, the officials of the Royal Canadian Mounted Police have recommended to the government that the subsection requiring the registration of firearms every five years be abolished, and the government has seen fit to present the amendment proposed in the bill before us. It is felt that people who register the possession of firearms in the year of purchase might regard it as unnecessary to repeat the registration at the end of five years; therefore, it is proposed to repeal the subsection in question.

Next I wish to refer to sections 1, 4, 7 and 21. In this group section 4 is the substantive section, for it repeals Part III of the Criminal Code. Part III, which has been in the Code a long time, comprises sections 142 to 154, under the heading "Respecting the preservation of peace in the vicinity of public works." It relates to the control of weapons and liquor. As the explanatory note to the bill says, "The last time this Part was invoked was the 11th of June, 1928, in connection with the construction of the Hudson Bay Railway."

Hon. Mr. Leger: Is the fact that a section of the Criminal Code has not been used for years a reason for repealing it?

Hon. Mr. Hayden: I have not urged it as a reason for repeal; I am simply stating that the last time the Part was used was in 1928. The

sections in this Part are not in force except upon proclamation of the Governor in Council in relation to particular works.

Hon. Mr. Leger: The explanatory note says that the sections are no longer considered necessary.

Hon. Mr. Hayden: Yes. Having regard to available police protection, the government is of the opinion that these sections are now unnecessary.

Sections 1, 7 and 21 of the bill are consequential upon the repeal of Part III of the Code. Section 1 repeals the definition of "Part III". Section 7 repeals a number of sections which, in other parts of the Code, are ancillary to Part III. Section 21 repeals a number of sections which it would no longer be necessary to have in the Code after Part III was deleted.

We now come to section 5 of the bill, which relates to burglary of dwelling houses. Sections 457, 458 and 459 of the Criminal Code create two offences of burglary of dwellings. One, called burglary by day, is punishable by imprisonment up to 14 years; the other, called burglary by night, is punishable by imprisonment for life, and the person convicted of this offence is liable to be whipped. The dividing line between day and night, for the purpose of these sections, is 9 o'clock in the evening. The department, as a result of experience, has come to the conclusion that this distinction between day and night in relation to burglary should be done away with. I think that one of the impelling reasons for reaching that conclusion was a recent case in which a person was charged with having committed burglary by night. Although it was proved that he had broken into a place with intent to commit burglary, the evidence fell short of establishing that the offence was committed after 9 o'clock, and therefore he was acquitted. Section 5 of the bill would repeal the three sections of the Criminal Code that I mentioned and substitute therefor a new section 457, providing a single offence of burglary, regardless of the hour at which it may have been committed. It also provides for punishment by imprisonment up to life, and that the person convicted is liable to be whipped.

Hon. Mr. Leger: In other words, the punishment would be increased.

Hon. Mr. Haig: For daylight robbery, yes.

Hon. Mr. Hayden: Yes, the maximum punishment is increased, but the present control over sentences, as exercised through the Courts of Appeal and the Remissions Branch of the Department of Justice, makes it unlikely that unduly severe punishments will be imposed.