

I should like to see some clarification of the vagrancy clauses of the criminal code, so as to bring them up to date to meet changed conditions, but there is no clarification of them at all here.

With respect to section 18 dealing with habitual criminals, I am sorry that the law of England has not been copied *in toto*. Here you have to get the consent of the attorney general of the province; and it sometimes takes months to secure it, and you are kept running around in a circle by the circuitous methods of this section.

If there is any real law reform in this bill I cannot see it. I am dissatisfied with the bill. I am not criticizing the present minister at all, because he cannot be expected to cure the troubles of twenty-five years in less than twenty-five months. He has been in office for only a short time. But there should be a drastic revision of the code, and I would suggest that Mr. Justice Keiller Mackay be appointed to a committee of three or four or five judges to revise and consolidate our whole criminal law, so that a bill could be presented to the house next session. The code has been unrevised with very few exceptions since it was started in 1905 or 1906. It is true that statutory amendments are made from session to session, but so far as making real changes in response to representations by public bodies for real modern law reform after two wars, or with respect to the jury system of the country is concerned, that is another matter. The jury system should be protected and strengthened, and further amendments should be made to protect that system, which has not been satisfactory in all respects for the liberty of the subject.

Then with respect to appointments to the judiciary, I am not here to criticize the judiciary. I do not wish or intend to do so, but some of them have had no training and no practice at the criminal bar in the sections of the code which they are trying to enforce, with the result that in some cases there may be or may not be a miscarriage of justice.

It takes two people on a highway to make an accident. One driver may be eighty per cent responsible for the accident and the other twenty per cent. I do not see why the owner of the car who is eighty per cent responsible for the accident should not be prevented from driving a car for two years, with a penalty as well, which was the law of New York and which I included in the bill that I proposed.

I hope I can get some support from the estimable young lady who is a member of the House of Commons for the policy which I propose in allowing women to sit on grand

juries. If the hon. member for Qu'Appelle is competent to become a member of the high court of parliament she ought to be able to sit on a jury. I think she would be a far better juror than some members of juries whom I have known.

Mr. KNOWLES: We should have a lot more like her in the house.

Mr. CHURCH: I do not know about that. She might make an excellent judge. My colleague the hon. member for Davenport used to be a learned justice of the peace. Judge Cohen of Toronto was a good justice of the peace who became a magistrate. As a matter of fact he was one of the best magistrates we ever had in Toronto, and I have the authority of the late Colonel Dennison for that. He gave most excellent and efficient service at no cost to the city. He was a most patriotic, reasonable and painstaking man. I have heard some of the lawyers say that he was the best magistrate they ever appeared before. My good friend, the hon. member for Carleton (Mr. Boucher), when a fine law student, learned a lot from Judge Cohen. I understand that at one time he went to get a search warrant, and Judge Cohen called his attention to the code and told him he was not entitled to a search warrant; that if he issued one to him he would be personally liable. That just goes to show that it is not necessary to be a lawyer to make a good magistrate. You, Mr. Chairman, are an able lawyer; you have had vast experience. Some of the best magistrates we have had in our province have had no legal training at all. I hope that during the recess of parliament the minister will be able to study the situation sufficiently so that he will be able to give us a better bill next session, one that will commend itself to the wisdom and the judgment of the country along the lines I have suggested.

I believe this is not the kind of law reform which we should have. I believe that we should have a consolidation of the code every ten years, and a judicial committee at once to consolidate it, along the lines I have suggested.

Section agreed to.

Section 2 agreed to.

On section 3—Causing a disturbance.

Mr. DIEFENBAKER: This new section constitutes a departure from every principle of criminal law in so far as causing a disturbance is concerned. As a matter of fact, over all the years, under British common law and in Canada, under common law and then under the code, never before has it been