

## PRAYERS.

The Honourable Senator Prowse, from the Standing Senate Committee on Legal and Constitutional Affairs to which was referred the Bill C-2, intituled: "An Act to amend the Criminal Code and to make related amendments to the Criminal Code 1967 Amendment Act, the Criminal Records Act, the National Defence Act, the Parole Act and the Visiting Forces Act", reported that it had examined the said Bill and had directed him to report the same to the Senate, without amendment.

With leave of the Senate,

The Honourable Senator Laird moved, seconded by the Honourable Senator Carter, that the Bill be read the third time now.

After debate,

In amendment, the Honourable Senator Flynn, P.C., moved, seconded by the Honourable Senator Choquette, that the Bill be not now read the third time but that it be referred back to the Standing Senate Committee on Legal and Constitutional Affairs to amend it as follows:—

Section 4 of the Bill is abrogated and replaced by the following:

4. Subsection 9(1) of the said Act is repealed and the following substituted therefor:

"9. (1) Where a court, judge, justice or magistrate charges a person with a contempt of court committed

in the face of the court, he shall describe the facts upon which he bases his charge and shall invite the person so accused to justify his behaviour at a sitting to take place not sooner than the following day.

(2) At any such sitting, the court, judge, justice or magistrate shall ensure that the facts upon which the charge is based and the justification offered are made part of the written record, and if, in his opinion, the person charged with the contempt failed to justify his behaviour, he may then summarily convict such person of the contempt.

(3) Where a person is summarily convicted for contempt of court, whether committed in the face of the court or otherwise, and punishment is imposed in respect thereof, that person may appeal

— (a) from the conviction, or

— (b) against the punishment imposed.

(4) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, mutatis mutandis.

(5) The hearing of such an appeal shall be given priority by the court of appeal."

After debate, and—

The question being put on the motion in amendment—

The Senate divided and the names being called they were taken down as follows:—

## YEAS

## The Honourable Senators

Beaubien,  
Bélisle,  
Blois,  
Burchill,

Cameron,  
Choquette,  
Cook,  
Flynn,

Forsey,  
Grosart,  
Haig,  
Hayden,

Macdonald,  
Molson,  
O'Leary,  
Phillips,

Quart,  
Sparrow,  
Welch,  
White,  
Yuzyk—21.

## NAYS

## The Honourable Senators

Argue,  
Bonnell,  
Bourget,  
Bourque,  
Carter,  
Connolly  
(Ottawa West),  
Croll,  
Denis,

Duggan,  
Eudes,  
Fergusson,  
Fournier  
(de Lanaudière),  
Fournier  
(Restigouche-  
Gloucester),  
Giguère,

Goldenberg,  
Graham,  
Hastings,  
Inman,  
Isnor,  
Kickham,  
Kinnear,  
Lafond,  
Laird,

Langlois,  
Lapointe,  
Lawson,  
Lefrançois,  
Manning,  
Martin,  
McDonald,  
McElman,  
McGrand,

McIlraith,  
McNamara,  
Norrie,  
Paterson,  
Petten,  
Prowse,  
Smith,  
van Roggen,  
Williams—41.

So it was resolved in the negative.

The question then being put on the motion of the Honourable Senator Laird, seconded by the Honourable Senator Carter, for the third reading of the Bill C-2, intituled: "An Act to amend the Criminal Code and to make related amendments to the Criminal Code 1967

Amendment Act, the Criminal Records Act, the National Defence Act, the Parole Act and the Visiting Forces Act", it was—

Resolved in the affirmative, on division.

The Bill was then read the third time and passed, on division.