

arrested. This amendment is an abridgement of the rights of the citizen which I do not think is justified in the circumstances.

Mr. Garson: I do not want to participate in the discussion of the merits of the section unnecessarily, because it has been quite adequately covered by my colleague the hon. Minister of Mines and Technical Surveys, but I wish that the hon. gentlemen on the other side of the house who have spoken on the matter would elucidate a little bit more clearly what they referred to as the time-honoured principles that we are changing by this proposed amendment. For as I read not the new code, Bill No. 7, but the existing code, it says in section 646:

Any person—

Not a peace officer, mark you, but any person.

Any person may arrest without warrant any one who is found committing any of the offences mentioned in sections—

And then there are listed about two full pages of code sections defining a great variety of offences.

Mr. Nowlan: Of specific offences.

Mr. Garson: Yes; one of which is attempt to damage by explosives. Then, if hon. members will look at section 648 of the Criminal Code they will see this:

Any peace officer may arrest, without warrant, any one whom he finds committing any criminal offence.

Next if hon. members will look at section 652 of the Criminal Code—and this is the law which my hon. friends of the opposition must have referred to as being time-honoured for it has been in the Criminal Code for a long time. I shall read the relevant portions of this section:

Any peace officer may, without a warrant, take into custody—

Which is the same thing as arrest.

—any person whom he . . . has good cause to suspect of having committed or being about to commit, any indictable offence . . .

Surely the only distinction in principle there can be in the proposed clause 11 of Bill 183 is that this clause 11 may be applicable to some offences which it is true may not be indictable. But although they may not be indictable offences they are offences dealing with a very dangerous subject matter, namely, explosives. Just to take the case cited in the excellent statement of the hon. member for York West. Let us suppose that regulations are made, making it an offence for any person to put explosives upon an aeroplane and, we will say, that a Mr. Guay of the future puts explosives upon an aeroplane; and that no

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person knows that it was he who put them there or for what purpose they were put there.

At that stage of the investigation what he had done would perhaps only be an offence under the Explosives Act or some other act, or regulations passed thereunder. It is only after the crown has been able to disclose evidence to establish a conspiracy or other criminal motive, to show, for example, that the explosives were so placed for the purpose of killing one particular person, that what has been done appears to be an indictable offence. My hon. friends in furtherance of these time-honoured principles upon which they lay such great stress are in effect arguing in relation to such a set of facts that if the people who were investigating the presence of the explosives upon an aeroplane saw Mr. Guay just outside the aeroplane and had reasonable grounds to suspect that he was the man who put the explosives on the aeroplane they would have to go off and get a warrant before they could arrest him, and by the time they got back of course Mr. Guay would be gone, probably for good.

Mr. Nowlan: Does that increase the public danger in any way?

Mr. Garson: I think it would. This hypothetical Mr. Guay might conceivably be guilty of one of the most dastardly crimes. We have to remember in these matters that the law-respecting and law-abiding members of the public who mind their own business and obey the laws are entitled to a little consideration too. In actual practice sections of this character are not invoked by a responsible peace officer unless there are some reasonable grounds—indeed he must have reasonable grounds—to suspect that the person has been guilty of an offence.

It would seem to me in this connection that we must bear in mind that the materials with which this legislation deals are very dangerous indeed; also that in most of these cases at that particular stage of the investigation the peace officers in charge cannot perhaps establish that the act in question is criminal in nature to the point of being indictable. It may have been committed in innocent ignorance of the law. Or it may be an offence under the Explosives Act. On the other hand, the explosives may have been put in place for a dastardly purpose. At that stage, if the peace officers have not the power to arrest under such a set of facts, they must simply stand there stupidly and let the criminal get away. If that happened, then I suppose my hon. friends of the opposition would get up and criticize the administration of justice.