

Criminal Code

Bill No. 227, for the relief of Marie Rose Gisele Houde Dionne.—Mr. Hunter.

Bill No. 228, for the relief of Olga Pscheidt Arsenault.—Mr. Hunter.

Bill No. 229, for the relief of Edward Robinson Harris.—Mr. Hunter.

Bill No. 230, for the relief of Cathrine Pieternele Wytenbroek Knight.—Mr. Hunter.

Bill No. 231, for the relief of Anton Bliziffer.—Mr. Hunter.

Bill No. 232, for the relief of Theodore Rolfsmeyer von Berzeviczy.—Mr. Hunter.

Bill No. 233, for the relief of Agnes Broo Hammond Bailey.—Mr. Hunter.

Bill No. 234, for the relief of Emma Antoinette Rachel Lauzon McDuff.—Mr. Hunter.

Bill No. 235, for the relief of Idella Adeline Sharpe Cutler.—Mr. Hunter.

Bill No. 236, for the relief of Walter Leonard Woodward.—Mr. Hunter.

Bill No. 237, for the relief of Marion Shirley Barsky Burg.—Mr. Hunter.

Bill No. 238, for the relief of Florence Elene Thom Ward.—Mr. Hunter.

Bill No. 239, for the relief of William Jean Paul Powroz.—Mr. Hunter.

Bill No. 240, for the relief of Lewis Swailes.—Mr. Hunter.

Bill No. 241, for the relief of Shirley Goodlin Myrovitch.—Mr. Hunter.

Bill No. 242, for the relief of Germaine Lafond Joyal.—Mr. Hunter.

Bill No. 243, for the relief of Kenneth Charles Overbury.—Mr. Hunter.

Bill No. 244, for the relief of Hazel Emily Louise Hunter Naud.—Mr. Hunter.

Bill No. 245, for the relief of Pearl Agnes Harding Potvin.—Mr. Hunter.

Bill No. 246, for the relief of Samuel Goldberg.—Mr. Hunter.

Bill No. 247, for the relief of Nancy Elizabeth Borden Sise.—Mr. Hunter.

Bill No. 248, for the relief of Audrey Madeline Crothers Walklate.—Mr. Hunter.

Bill No. 249, for the relief of Joyce Gowrie Kimber Kendler.—Mr. Hunter.

Motion agreed to on division and bills read the second time.

Mr. Deputy Speaker: Public and private bills having been disposed of, the house will resume the business interrupted at five o'clock.

CRIMINAL CODE**REVISION AND AMENDMENT OF EXISTING STATUTE**

The house resumed consideration in committee of Bill No. 7, respecting the criminal law—Mr. Garson—Mr. Robinson (Simcoe East) in the chair.

On clause 140—*Sexual intercourse with feeble-minded, etc.*

The Chairman: The committee was considering clause 140. Shall the clause as amended carry?

Some hon. Members: Carried.

Some hon. Members: No.

The Chairman: Those in favour of the amendment will please rise.

Mr. Fulton: Why is the minister rising?

Mr. Garson: I said I would accept the amendment, and I am keeping my promise.

Mr. Shaw: Mr. Chairman, I would ask that the question be put again. There seems to be a great deal of confusion.

The Chairman: On clause 140 the hon. member for Red Deer moved that the word "five" in this clause be deleted and the word "ten" be substituted therefor.

Amendment negatived: Yeas, 25; nays, 31.

The Chairman: I declare the amendment lost. Shall the clause carry?

Some hon. Members: Carried.

Clause agreed to.

On clause 138—*Sexual intercourse with female under fourteen.*

Mr. Fulton: Mr. Chairman, may I with your permission and that of the committee ask leave to revert to section 138. On an earlier occasion the minister said if there was any point not covered he would have no objection to our reverting to any particular clause. What I omitted to cover is the change in the wording of subsection 3 which also applies to clause 145. The code as it at present stands, and I am reading now from subsection 3 of section 301, which is the section corresponding to this one, reads as follows:

3. On the trial of any offence against subsection two of this section, the trial judge may instruct the jury that if in their view the evidence does not show that the accused is wholly or chiefly to blame for the commission of said offence, they may find a verdict of acquittal.

That provision is to some extent relatively the same in the new subsection, except that it reads:

(2) Where an accused is charged with an offence under paragraph (b) of subsection (1), the court may find the accused not guilty if it is of opinion that the evidence does not show that, as between the accused and the female person, the accused is wholly or chiefly to blame.

Under the present provisions of the code the trial judge instructs the jury that they may acquit if they are of the opinion that there is an equality of blame, whereas under