

any two justices of the peace." The department desires to have it appear in the Act, as well as in the Criminal Code—in which it is provided, as I shall show in a minute—that where the penalty exceeds \$50 the trial may take place not only before two justices of the peace, but also before a police magistrate, a stipendiary magistrate, or any person having the power or authority of two justices of the peace. The departmental officials believe this amendment will make it clear to any magistrate that he can try the case if the penalty is more than \$50. Amendment is necessary because in describing those who are equal in law to two justices of the peace the wording in the original section does not follow the phrasing of section 604 of the Code. Therefore the Code is cited in the amendment now moved by the right honourable senator from Eganville (Right Hon. Mr. Graham):

such justices or before any person who is authorized by section 604 of the Criminal Code to exercise in such district, county or place the powers of two or more justices.

With the Act as amended before him, any magistrate will know he has authority to deal with a case although the fine imposable is above \$50.

I do not agree with the objection of the honourable senator from L'Acadie (Hon. Mr. Leger), for this reason. We do not seek to create any offence by this Bill. The clause simply describes before whom cases can be tried. Where the penalty may be \$50 or under, the case is tried before a justice of the peace; if over \$50, before two justices of the peace or before any person who takes their place, as described in the Code. The point of the honourable senator from L'Acadie (Hon. Mr. Leger) is that it would not do to make it impossible for a magistrate to try the case if the penalty were under \$50. Certainly it would not. A magistrate may or may not be a justice of the peace, but under the Code he always has the power of a justice of the peace. Consequently, every case can come before a magistrate. But if the amount of the penalty exceeds \$50 the case cannot come before a justice of the peace.

Hon. Mr. LEGER: Would this come under the Code—

Right Hon. Mr. MEIGHEN: The Code specifies—I cannot cite the section—that what a justice of the peace can do a magistrate can do.

Hon. Mr. LEGER: That is in criminal cases.

Right Hon. Mr. MEIGHEN: In any cases. I am not speaking by the book—it is not before me—but I fancy that my honourable

friend will find that every magistrate is appointed with all the powers of a justice of the peace, and that the local Act vests him with such power.

Hon. Mr. DANDURAND: The law says one justice of the peace may hear the case if the penalty does not exceed \$50, but if it exceeds that amount the power of two justices will be required.

The proposed amendment of Right Hon. Mr. Graham was agreed to.

Section 1, as amended, was agreed to.

The preamble and the title were agreed to.

The Bill was reported.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time, and passed.

PRESS REPORTERS OF THE SENATE

REPORT OF COMMITTEE CONCURRED IN

Hon. Mr. GILLIS moved concurrence in the second report of the Standing Committee on Debates and Reporting.

Hon. Mr. MURDOCK: I wonder if the honourable senator could briefly give us an indication of the terms and conditions set forth in the report of the Committee on Debates and Reporting of June 3, 1913. I do not know what they are.

Hon. Mr. GILLIS: An extract from the Journals of that date, when the first reporter was appointed, gives an outline of his duties. That has been followed ever since. The only change made since is in the amount paid to Mr. Fortier, the French reporter. I have an extract from the Journals, but I shall not read it. The same course has been followed year after year.

The motion was agreed to.

The Senate adjourned until Tuesday, February 9, at 8 p.m.

THE SENATE

Tuesday, February 9, 1937.

The Senate met at 8 p.m., the Acting Speaker (Hon. P. E. Blondin) in the Chair.

Prayers and routine proceedings.