

place, that criticism will fall primarily not upon these four lawyers, but upon the non-legal men and women of this house, and I would impress that upon them very emphatically.

One important feature of the bill—I speak subject to correction—is that, whereas formerly the common law of England applied in this country, by this bill all the criminal law of Canada is to be contained in the Code.

Hon. Mr. Roebuck: Only as to offences. After this Code has been adopted all the offences under the common law will be in the Code, but the law as to defences, procedure and so on will still be the common law of England.

Hon. Mr. Haig: But, as I understand it, the offences will be contained in the Code.

Hon. Mr. Roebuck: Offences—yes.

Hon. Mr. Haig: It is our duty to see to it that all offences are covered. Let me give one illustration of what I mean. Some of us who have been members of this house for a considerable time will remember that a few years ago the Attorney General of Ontario, and perhaps the Attorneys General of Nova Scotia, Quebec, and other provinces, recommended an amendment of the Code to provide that if two or more people went into a store for purposes of robbery, and one of them had a gun and in the course of the operation shot and killed some person, he should be deemed guilty of murder. I am not discussing whether such a provision is or is not a proper one, but the fact that the recommendation was adopted indicates the importance to all citizens of the content of our criminal law. For the most part, the provisions of the Code relate not to rights regarding money and other property, but to the very liberty and life of the subject.

In what I have said I am in no way reflecting on the legal profession. Lawyers, and especially the able professional men on our committee, wish to give Canadians the best law possible; but their very legal training may induce in them a one-sided or partial view. The commission which drafted the Code consisted almost without exception of Crown prosecutors and judges—and many trial judges are Crown prosecutors before they go on the Bench. It follows that the interests of the defence were but little represented on the commission. The onus is all the more clearly on this house to see that those interests are not ignored. I have never forgotten the statement which a Chief Justice of my province made when addressing a number of young lawyers. He said “I

would rather let nine guilty men be acquitted than have one innocent man hanged.” The principle of that statement is both good law and good common sense. I do not like to see a guilty man or woman go free, but still less would I want to see an innocent man or woman convicted. It is our duty to defend the rights of the people of this country, to see that law and order are maintained and police forces respected, and to support government policy to that end. We want the criminal law to be properly administered, and we must see to it that the law is so framed that this shall be done.

For these reasons, I am wholly in favour of giving the bill second reading and sending it to committee; and such time as I can spare I will devote to helping the committee. But again I plead with our lay members to be present at the committee meetings.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Robertson: Honourable senators, with leave I move that the bill be referred to the Standing Committee on Banking and Commerce.

The motion was agreed to.

FOOD AND DRUGS BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill J, an Act respecting food, drugs, cosmetics and therapeutic devices.

He said: Honourable senators, as I intimated yesterday, this bill is substantially the same as Bill E-11 which was given second reading and referred to a committee last June. The changes which have been made in the bill now before us are of a very minor nature, involving only one or two words. I would remind the house that Bill E-11 was introduced at the last session merely for the purpose of securing its distribution and making it available to interested parties throughout the country. It was not contemplated that the Senate would consider the bill in detail at that time, but it was hoped that it would be re-introduced at the present session.

The Department of National Health and Welfare has been advised that representations may be expected from certain groups interested in this legislation. As a matter of fact, the Canadian Manufacturers Association has already submitted to the minister a brief covering a number of points raised in Bill E-11 respecting food and cosmetics. It is not improbable that various other associations