

On section 17—assault occasioning bodily harm:

Right Hon. Mr. MEIGHEN: This is merely a clerical change.

Section 17 was agreed to.

On section 18—proceedings in case of corporations in summary trials of indictable offences:

Right Hon. Mr. MEIGHEN: This provides that where the charge is against a corporation, the election as to summary trial still accrues, and the officer who appears for the corporation can make the election.

Section 18 was agreed to.

On section 19—Attorney-General of Quebec, or the accused, may apply for change of venue:

Right Hon. Mr. MEIGHEN: This could be better explained by a lawyer from Quebec. If it appears that a jury is not going to be necessary at an assize, and it is known at a certain time before the assize that there will be no jury, a man who is entitled to a trial by jury at that place can move to have the trial transferred to another district. This is not intended to apply anywhere but in the province of Quebec, and I presume it is asked for by the Attorney-General of that province.

Hon. Mr. DANDURAND: It is a change of venue.

The CHAIRMAN: Carried!

Hon. Mr. PARENT: It is not carried. The honourable gentleman reads the Bill, but he forgets that most of us have not got a copy of it. I have one myself, which I secured after great difficulty.

Right Hon. Mr. MEIGHEN: Then read it, please.

Hon. Mr. PARENT: I have not quite sized up the remarks of the right honourable gentleman, and I should like to know if he has any suggestion to make with reference to section 18.

Right Hon. Mr. MEIGHEN: I explained section 18. It is merely to give a corporation the right of election as to the mode of trial, the same as a person would have.

As to section 19, I should be obliged if the honourable gentleman would look at it carefully, because I am not familiar with the situation in his province. We will pass over 19, and I shall explain 20.

Hon. Mr. PARENT: Section 19 says:

Whenever, in the province of Quebec, it has been decided by the competent authority that

no jury is to be summoned at the appointed time in any district in the province within which a term of the Court of King's Bench holding criminal pleas should be then held, the Attorney-General or his agent, or any person charged with an indictable offence whose trial should by law be held in the said district, may, in the manner hereinbefore provided, obtain, at any time after the decision not to summon the jury has been rendered, an order that the trial be proceeded with in some other district within the said province named by the court or judge.

This has all come so suddenly I should like the right honourable gentleman to give us a few words of explanation. He has said the explanation might come from a lawyer of the province of Quebec. There are some on the other side of the House, and also on this side.

The CHAIRMAN: I understood the right honourable gentleman (Right Hon. Mr. Meighen) to ask that section 19 be suspended until the honourable member from Kennebec (Hon. Mr. Parent) had time to look into it.

Hon. Mr. DANDURAND: The right honourable gentleman suggested that a Quebec barrister could explain this more easily than he could. My honourable friend will find that the only addition is the following:

—at any time after the decision not to summon the jury has been rendered.

This seems quite logical. So long as there has been no order to dispense with a term of the criminal court in a district, the accused is subject to that jurisdiction; but the moment the Attorney-General decides that no court is to be held at that place the accused has the right to move to have his trial transferred.

Hon. Mr. CALDER: Otherwise he would stay in jail without a trial.

Section 19 was agreed to.

On section 20—definition of "court" in sections 1081, 1082, and 1083:

Right Hon. Mr. MEIGHEN: This appears to have been necessitated by a conflict of judicial decisions. The section reads:

In the sections of this Part relating to suspended sentence, unless the context otherwise requires, "court" means and includes any superior court of criminal jurisdiction, any court of general or quarter sessions of the peace, any judge or court within the meaning of Part XVIII and any magistrate within the meaning of Parts XV and XVI.

It has been held in Manitoba that a magistrate within the meaning of Parts XV and XVI cannot suspend sentence. The contrary