

Hon. Sir JAMES LOUGHEED: That may be, but I mention that fact, and there it is. The House can take it or leave it.

Hon. Mr. FOWLER: I feel strongly on the matter of the dependents of those who went to the war, and who fought in the war, and I think we should do everything we can for them. As to the men who came back able-bodied and husky I have nothing to say; let them get to work like the rest of the civilians of this country; but for the dependents of the men who contracted disease—I don't care when they contracted it, if it was during their war service—I do not think this country should hesitate to take care of their dependents, and even if, as the honourable member for St. John says, one unluckily, though doing nothing worse than his fellow soldier, contracted disease whereas the other man escaped scot-free, surely his family should not be penalized for this.

Hon. Sir JAMES LOUGHEED: I would point out just at this point that we are discussing a subject that is entirely out of order, because we cannot impose or increase a financial liability, and we might as well recognize that at once; it is quite clear.

Hon. Mr. FOWLER: I think it is bad legislation.

The amendment of Hon. Mr. Daniel was negatived.

Section 2 was agreed to.

The preamble and the title were agreed to.

* The Bill was reported without amendment.

THIRD READING

Hon. Sir JAMES LOUGHEED moved the third reading of the Bill.

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

DEPARTMENT OF CUSTOMS AND EXCISE BILL

FIRST READING

Bill 211, an Act respecting the Department of Customs and Excise.—Hon. Sir James Lougheed.

DAIRY PRODUCE BILL

FIRST READING

Bill 206, an Act to regulate the Grading of Dairy Produce.—Hon. Sir James Lougheed.

COURTS OF CRIMINAL APPEAL

MOTION AND INQUIRY

Hon. W. B. WILLOUGHBY resumed the adjourned debate on the motion of the Hon. Mr. McMeans:

That, in the opinion of the Senate, it is essential for the better administration of the criminal law that a Court of Criminal Appeal should be established in the different Provinces, with jurisdiction similar to that possessed by the Court of Criminal Appeal in England, and will inquire whether it is the intention of the Government to create such Courts.

He said: The leader of the House has courteously allowed the debate on this resolution, which has stood so long on the Order Paper, to be continued. I reiterate the promise made when I first rose, that I would not discuss it at any great length. This is due not only to the fact that we are at the end of the Session and that I might trespass on your time, but also because I think the primary object of the mover of the resolution was to ascertain the sentiment of this House and the feeling of the profession and perhaps of the judges of Canada as to whether they would favour the introduction of legislation foreshadowed in the resolution. One distinguished member of this House has already spoken on the matter—a distinguished member of the profession to which I have the honour to belong.

The mover of this resolution, in bringing it in first, gave the history of the establishment in England of the Court of Criminal Appeals. It had to meet the usual quiet obstinacy, if that is the proper word, shown against every reform, as being somewhat novel legislation. If you read the history of English jurisprudence in civil as well as in criminal matters, you are struck with the power of quiet resistance. It took many decades of active agitation in the English House of Commons to obtain the Judicature Act in 1873—the same Act that we have adopted on practically the same lines in Canada—an Act which, as we know, amalgamated common law and equity. It was a long, long struggle. It was the same with the criminal law. That law in its progress in England had to meet difficulties, due to old civilization and environment, and the hundred and one circumstances that surround the life of an old country, where criminal Acts did not frequently have force through the whole of England, and Acts were applicable to England that were not applicable to Scotland or Ireland. The honourable member from Winnipeg told you that the