

it would have been much better if the section had started in the affirmative, to read somewhat like this:

if the penalty exceeds fifty dollars by summary conviction before any justice of the peace, a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace, having jurisdiction in such district, country or place—

In that respect I am suggesting what part of the section says now. Then I would add:

—and also, besides the above mentioned magistrates, if the penalty does not exceed fifty dollars, before any justice of the peace for the district, county or place in which the offence is committed.

As I read the Bill, I cannot see how a police magistrate or a stipendiary magistrate could have jurisdiction in the class of cases in which the penalty does not exceed \$50. It seems to me the Bill creates two distinct classes of offences: those for which the penalty is under \$50 and those for which it is over \$50. As to the first class, the Bill says that a justice of the peace shall have jurisdiction; as to the second class, it states that any two justices of the peace, a police magistrate, a stipendiary magistrate or any person having the power or authority of two or more justices of the peace shall have jurisdiction.

Hon. Mr. DANDURAND: We are not affecting the class of cases in which the penalty does not exceed \$50. We are simply making it clear that if the penalty does exceed \$50 it shall be recoverable "by summary conviction before any two justices of the peace, a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace, having jurisdiction in such district, county or place." We are not going beyond the terms of the present Act.

Hon. Mr. MURDOCK: How do the justices of the peace know what the penalty will be until they have heard the case? How are they to differentiate between a \$50 one-magistrate case and a \$60 two-magistrate case?

Hon. Mr. DANDURAND: The Act clearly provides that for a certain offence the maximum penalty may be \$50 or under; for another offence, \$100 or more.

Hon. Mr. MURDOCK: Then the class of case will be determined by the charge made against the accused?

Hon. Mr. DANDURAND: Yes.

Hon. Mr. LEGER: If I understand this amendment correctly, our police magistrate in the city of Moncton would have no jurisdiction to try offences if on conviction the penalty is under \$50.

Hon. Mr. LEGER.

Hon. Mr. DANDURAND: Oh, yes.

Hon. Mr. LEGER: I do not read the amendment in that way.

Hon. Mr. MURDOCK: He is a police magistrate, is he not?

Hon. Mr. LEGER: Very true, but this amendment says that if the penalty does not exceed \$50 the case must be tried before a justice of the peace.

Hon. Mr. DANDURAND: Oh, no; it may be tried before a justice of the peace.

Hon. Mr. LEGER: This is the wording of the first part of paragraph (b) of section 1 of the Bill:

(b) if the penalty does not exceed fifty dollars by summary conviction before any justice of the peace for the district, county or place in which the offence is committed.

That is complete in itself.

Hon. Mr. DUFF: A police magistrate is also a justice of the peace.

Hon. Mr. LEGER: In my part of the country a police magistrate is not necessarily a justice of the peace. The second part of the paragraph covers the other class of cases, where the penalty exceeds \$50, and it enumerates the different persons who may hear such cases. It seems to me the purpose of the amendment would be made clearer by the simple process of transposing the two parts of the paragraph and inserting a few words between them. Paragraph (b) would then read:

if the penalty exceeds fifty dollars, by summary conviction before any two justices of the peace, a police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace, having jurisdiction in such district, county or place—

Then would follow the first half of the paragraph, with a few explanatory words:

—and also, besides the above mentioned, if the penalty does not exceed fifty dollars, by summary conviction before any justice of the peace for the district, county or place in which the offence is committed.

This would obviate any possibility of confusion in dealing with the two classes of cases.

Right Hon. Mr. MEIGHEN: Here is my appreciation of the position. Honourable members will observe that paragraph (b) in the original Act stops at the word "peace." If the penalty imposable does not exceed \$50, then it can be imposed "by summary conviction before any justice of the peace for the district, county or place in which the offence is committed," and, if the penalty imposable exceeds \$50, "by summary conviction before