

court judge, or in the cities of Montreal and Quebec by a recorder or judge of the sessions of the peace, and in the province of New Brunswick, every county court judge has the power to try any indictable offence except as hereinafter provided."

Section (583) says that no court mentioned in the last preceding section has power to try any offences under section (74); so that this is to add another offence:

"(e) two hundred and sixty-three, murder; two hundred and sixty-four, attempt to murder; two hundred and sixty-five, threat to murder; two hundred and sixty-six, conspiracy to murder, two hundred and sixty-seven, accessory after the fact to murder; two hundred and sixty-eight, manslaughter."

These are added to the offences which the inferior court is not allowed to try.

Hon. Mr. DANDURAND—There is but the word 'manslaughter' added to this clause.

Hon. Mr. POWER—There is more than that. I should like to bring before the committee the last part of this proposed amendment:

"two hundred and sixty-eight, manslaughter."

It will be noticed that the other offences are all of a very serious character. Manslaughter is of a somewhat serious character too, but not always. My impression is that, on the whole, it is rather better that the county court judge should be allowed to try cases of manslaughter. I can give some reasons for that. The county court has jurisdiction in the other cases where the term of sentence, and the gravity of the offence is as great as manslaughter and it is often much more in the interest of justice that the offender should be tried by a judge alone than before a jury. The chances of a guilty man escaping where he is tried by a jury, are much greater than where he is tried before a judge, and, of course, if a man is innocent and he elects to be tried before the county judge, he is freed almost immediately. In the other case, he may have to spend six months in jail; I would move to strike out the last paragraph; two hundred and sixty eight, manslaughter.

Hon. Mr. DANDURAND—I find that it is only the word 'manslaughter' which is added to the list of offences. Any court of general or quarter sessions of the peace when presided over by a superior court

judge, or a county or district court judge, or in the cities of Montreal and Quebec, by a recorder or judge of the sessions of the peace, and in the province of New Brunswick every county court judge, has the power to try such offences. So that no quarter sessions will be able henceforth to hear cases of murder, accessory murder, conspiracy to murder, accessory after the fact to murder—that is in the old law—or manslaughter.

Hon. Mr. LOUGHEED—I observe this statement has been made; in connection with this clause:

"Correspondence has been had with the attorney generals of the seven provinces, and all of them, except the Attorney General of Quebec, agree that it is desirable to take away the jurisdiction of these inferior courts in cases of manslaughter. There does not seem to be any special reason for excepting the province of Quebec from this provision, if it is enacted."

If all the provinces have asked for it, there is no reason why it should not be enacted.

The clause was adopted.

On clause 2,

Section 2.—By repealing paragraph 31 thereof and substituting the following paragraph:—

"(31) 'prize fight' means an encounter or fight, with fists or hands, either with or without gloves, between two persons who have met for the purpose by previous arrangement made by or for them or for such encounter or fight."

Hon. Mr. LOUGHEED—I hope my hon. friend will consent to have this clause stricken out. I remember that in the City of Toronto, a couple of years ago, a young man went over to England and I think brought back the light weight championship of England, and the great moral and religious city of Toronto gave him an ovation of which the whole of Canada was proud. To say that that young man would commit a criminal offence if he gave an exhibition in the city of Toronto of the prowess which won him the championship of England, would be a monstrous thing.

Hon. Mr. DOMVILLE—The hon. gentleman is quite right.

Hon. Mr. LOUGHEED—If there is anything in the way of athletics which is cultivated in England it is the science of self-defence, particularly by the use of the gloves, and there is scarcely