

and was at one time Crown Attorney for the County of Carleton, and have had occasion to witness what has been described by my honourable friend. In the Province of Quebec no one is called upon to administer justice in either civil or criminal courts unless he is a member of the bar. The criminal work is carried on there by stipendiary magistrates, police magistrates, recorders, and perhaps some others; but in no case is anyone appointed who has not been trained in the law. In Ontario, I believe, there are very few police magistrates with any legal training at all. It would seem to be almost essential that a magistrate in Ontario should have had no legal training. I have seen so many mistakes as a result of the system, that I think it is high time Parliament considered the question whether or not a legal training should not be an essential condition of appointment to such an office. Cases involving very serious penalties—twenty years in the penitentiary, and so on—fall within the jurisdiction of men who have had no legal experience whatever. Any lawyer, particularly a criminal lawyer, knows how difficult it is to draw the line of demarcation between law and fact. It requires an experienced, intelligent man with long years of legal training to do that.

Hon. Mr. LAIRD: Does the honourable gentleman say that there are no intelligent men who are not members of the bar?

Hon. Mr. BELCOURT: Oh, no. I did not say that. Legal training is what I am emphasizing. A man may have had no legal training, but be of the highest intellect. With no legal training he does not make a good judge. In view of what is occurring every day all over the Province of Ontario, it is a matter of surprise to me that the Parliament of Canada, in dealing with the Criminal Code, has not insisted that those who are to administer criminal justice should have a proper legal training.

Hon. Mr. WILLOUGHBY: I agree with the remarks of the honourable gentleman from Bruce (Hon. Mr. Donnelly) and the honourable the senior member from Ottawa (Hon. Mr. Belcourt). Honourable members who are not lawyers would be astonished to find what very extensive powers are vested in police magistrates. I think a police magistrate should be a trained man—not that I want to create a preserve for the lawyers; that is not the idea at all—for the man who has had the advantage of a legal training has the ability to weigh evidence and is much better qualified by experience than a layman.

The man with legal training has something else behind him which is very desirable indeed. He is a member of a learned profession. He is very desirous, if he is fit for the position at all, of enjoying and retaining the good opinion of that profession. If he is dishonourable in his conduct or has violated the professional code or the amenities, as I might call them, of the profession—he need not be a criminal—he is liable to be brought up before his peers and reprimanded, or he may even be disrobed. Such a man is subject to a certain public control. A similar argument would apply to the medical profession. We will assume that the great majority of men who go on the bench are men of integrity, but if they are laymen, there is no such restraint over their actions as there would be if they were members of the legal profession.

Hon. Mr. BELCOURT: The lawyer is under oath.

Hon. Mr. WILLOUGHBY: Absolutely. The professional code must be lived up to. That is a very considerable safeguard. It is a serious thing for a lawyer to lose his gown. He could not be a police magistrate. I had no idea that, as the honourable member for Ottawa (Hon. Mr. Belcourt) has pointed out, it is not a sine qua non that a magistrate should be a member of the bar.

Section 6 was agreed to.

On section 7—advertising, printing, posting or selling intelligence on horse-races:

Hon. Mr. DANDURAND: The changes in this section are underlined.

Hon. Mr. DANIEL: Can the honourable leader tell us in exactly what way this differs from the law as it is now?

Hon. Mr. DANDURAND: Paragraph (f) of subsection 1 of section 235 of the Act, which is repealed, is in the following terms:

advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply, any information intended to assist in, or intended for use in connection with book-making, pool-selling, betting or wagering upon any horse-race or other race, fight, game or sport, whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such horse-race or other race, fight, game or sport has or has not taken place; or

The new paragraph reads as follows:

(f) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply (i) other than on the premises of an association lawfully conducting race meetings in Canada, during the actual progress of a race meeting thereon, any tips, selections, odds,