

is a little unsatisfactory. We studied part XVI when it was before us a year ago, and I think all of us were in favour of it. I would far rather have the bill before us again to eliminate difficulties, if there are any, or have it put into force at some specific time, than defer it in this indefinite way,—perhaps to bury it forever, perhaps to bring it shortly into force.

Hon. Mr. Hayden: The purpose of this is to provide time to meet with the various provinces that have made requests for further delays, with a view to reaching common ground on the working out of this legislation. There is no idea of burying it, in fact at the present time the Criminal Code is being completely revised, and very shortly we shall have an opportunity to review not only this particular part, but the Code as a whole.

Hon. Mr. Haig: May I recall a personal experience? Years ago the old system of appointing magistrates was in force in the province of Manitoba. There was a magistrate in practically every town in the province.

Hon. Mr. Aseltine: Justices of the Peace.

Hon. Mr. Haig: There was practically unanimous agreement in the legislature that that system was not in the interests of good administration. Legislation was passed providing for, I believe, ten districts, and well-qualified men were appointed to act in those districts and to travel around where they were required, and except in a very limited class of cases, justices of the peace ceased to function. This system, which of course had nothing to do with the Code, took some time to put into full operation; there were difficulties to be ironed out.

Hon. Mr. Roebuck: In what year was this legislation passed?

Hon. Mr. Haig: The present Mr. Justice Major, who was responsible for it, became Attorney-General in 1928, and I left after the session of 1935, so it was during that period of time.

Hon. Mr. Roebuck: About twenty years ago.

Hon. Mr. Haig: It was very fortunate that we postponed putting the system into full effect until all the details had been worked out, because a lot of difficulties arose. Some justices of the peace did not want to resign, and in general there was a great deal of trouble. But the system has worked out perfectly. There have been no complaints, either from the main body of citizens or from the practising lawyers. If we can persuade backward provinces like Ontario, British Columbia and Nova Scotia to introduce an up-to-date magistracy system, it will be a very great thing for Canada.

Hon. Mr. Roebuck: My friend is in a reminiscent mood, and perhaps I shall be pardoned for following suit. I became Attorney-General of Ontario in 1934, and one of the first acts for which my administration was responsible was the reform of the magistracy of our province. I found in Ontario that conditions were the same as those my honourable friend has referred to as then existing in Manitoba. We had a system of local magistrates; for the most part they were not lawyers. Often they had their offices in the municipal buildings, from which they ruled their local principalities, not infrequently in close association with the chief of police—who also perhaps was the only policeman—and the municipal authorities. All being in one building, they formed a governing clique in that little locality. People accused of offences were known to go there, not for trial, but to find out what was going to be done with them. Accentuating the evils of the situation was the fee system. The magistrate was paid by fees levied against accused persons; when he found the victim guilty he got something out of the trial, and when he acquitted him he worked for nothing. I would not say anything derogatory of these magistrates; I have no doubt that they were superior to little monetary considerations, but they were not given credit for their high-mindedness.

Hon. Mr. Quinn: They found people guilty quite often!

Hon. Mr. Roebuck: They found them guilty fairly frequently.

Hon. Mr. Aseltine: "If you are not guilty why are you here?"

Hon. Mr. Roebuck: The evil lay chiefly in the attitude of the local people towards that governing system, for the magistrate was not credited with being sufficiently disinterested to find a man guilty or to acquit him without regard to personal considerations. In the province of Ontario, that "backward province" to which my honourable friend has referred, the territory was divided into seventeen districts, usually with two or three magistrates to a district. As in Manitoba, they were itinerant magistrates.

Hon. Mr. Aseltine: Were they lawyers?

Hon. Mr. Roebuck: Except those who had had experience. During my period of office I refused to recommend for appointment to the magistrates' bench anybody who was not a lawyer, and I "got away with it" during the time I was in charge. I believe that system has been adhered to, not absolutely, but fairly well, during the intervening years.

In making such a reform the great difficulty was to find some person to whom complaints could be made in a locality where