

THE SENATE

Friday, June 29, 1951

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers and routine proceedings.

THE ESTIMATES

COMMITTEE ON FINANCE—PRINTING OF REPORT

Hon. Mr. Lambert: Honourable senators, with leave of the Senate I move:

That authority be granted for the printing of 1,000 additional copies in English and 200 additional copies in French of the Report of the Standing Committee on Finance on the expenditures proposed by the Estimates laid before parliament for the fiscal year ending March 31, 1952.

The motion was agreed to.

DOMINION ELECTIONS BILL

THIRD READING

Hon. Mr. Robertson moved the third reading of Bill 404, an Act to amend the Dominion Elections Act, 1938.

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

CRIMINAL CODE BILL

THIRD READING

Hon. Wishart McL. Robertson moved third reading of Bill 391, an Act to amend the Criminal Code, as amended.

Hon. A. W. Roebuck: Honourable senators, I have already protested against the lateness of the hour at which this most important bill has been brought before the house, and I have indicated my view that it has not received adequate consideration. It is also my view that the matters contained in the measure are not of such urgency that it need be rushed through without full consideration by the house and without time being given to receive some indication of the reaction of the public. However, I presume that it is futile for me to address sentiments of this kind to the house, for no doubt the bill will pass.

Hon. Mr. Beaubien: How do you know?

Hon. Mr. Roebuck: Willy-nilly, it will go through. But each one of us has a duty to the public and to himself, and for my part, I feel that it is my duty to make some comment on the important matters involved in this bill. I say positively that I do not join in all the criticism of the measure that has been expressed, because some of it springs from misinformation; but the fact that criti-

cism exists strengthens my contention that the measure should not have been brought before this house in the dying days of the session. This legislation affects the right, freedom and security of the citizen; it involves British justice and liberty, and that sort of thing, and should not be rushed through. The public should know what we are doing, and have confidence in it. From my touch with the public, I am satisfied that, because of the manner in which this measure has been brought in, everyone has not such confidence.

I shall ask the house to bear with me while I comment on some of the clauses of the bill. To begin with, section 2, at page 4, reads:

Every one who aids, assists, harbours or conceals a person who he knows is a deserter or an absentee without leave from the Canadian forces is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars . . .

By way of marked contrast to the lack of consideration which the bill is receiving, the national defence bill of last session was discussed fully when it was before the house. That measure, which contains what is really the Criminal Code for the armed forces, was studied for days, and every section was thoroughly considered. Indeed, if I remember correctly, we brought in no less than 82 amendments. At that time I expressed the view, and I repeat it now, that a quarrel between the army and a deserter or absentee without leave should be kept within the army. It is an inter-army matter, and it is unfortunate, unnecessary and inadvisable to bring the public into the picture as this bill does, and make guilty the father, mother, brother, sister or friend, if comfort or assistance has been given to a member of the forces who is absent without leave. What I said on the previous occasion did get a little way into the minds of the members of the other house, because the section was amended and very much softened by providing that no such proceeding shall be instituted under the section I have referred to without the consent of the Attorney-General of Canada, a change which improved the section tremendously, because one can rely upon the Attorney-General not to use that section under the circumstances that I have indicated. I think, therefore, that my principle stands that a quarrel between an officer and a man who is away without leave, or deserting, if you like to call it that, should be confined to the army, and not slop over into civil life.

My next comment is with regard to clause 6 of the bill, which sets forth what will be section 84 of the Code. I protest against the making of the Royal Canadian Mounted Police a sacrosanct force. The members of that force are just policemen. The excuse given