

provisions similar to this. In the province of Quebec, for instance, even in civil matters we used to be very formal; but recently the Government and the people at large came to the conclusion that it was wise to get rid of these formalities.

Hon. Mr. WILLOUGHBY: I am not going to press my suggestion unduly. The proceedings are not always taken under this Act. As a matter of fact, they frequently are instigated by some private individual. However, I shall not press my point.

Hon. Mr. BEIQUE: As a rule proceedings are taken at the instance of an officer whose duty it is to help, to guide, and to see that the child is protected. The interest of the child always should be the cause for the proceedings, and it is the duty of the judge to see that this is so.

Hon. Mr. WILLOUGHBY: Proceedings frequently are taken by an officer at the instance of some individual. But I am not going to press it any further.

Right Hon. Mr. GRAHAM: Honourable gentlemen, the amendment proposed is to insert at the beginning of subsection 3 the words:

Save as provided in subsection 5 of this section,

and to add the following as subsection 5:

(5) If a child who has been before a juvenile court and is still under the surveillance of such court has been caused by the court to be placed in a foster home outside of the jurisdiction of such court or has been committed by the court to the care or custody of a probation officer or other suitable person or to an industrial school, outside of the jurisdiction of such court, the court may take any action with respect to such child that it could take were the child within the jurisdiction of such court, and for any such purpose any warrant or other process issued with respect to such child may be executed or served in any place in Canada outside of the jurisdiction of such court without the necessity of complying with the provisions of subsection 3 of this section.

The comment by the Department of Justice is:

The purpose of this amendment is to authorize a juvenile court to exercise control over a child who has been before it, and who has been committed to a home or place of detention outside the territorial jurisdiction of the court.

Hon. Mr. McMEANS: Can the right honourable gentleman give us a little more explanation? What does it really mean?

Hon. Mr. CASGRAIN: If a child is sent to another province, the original court still looks after it.

Hon. Mr. McMEANS: Does it change the old law in any way, and if so, what is the necessity for the change?

Hon. Mr. BEIQUE: It is an addition to the law to make it more efficient.

Right Hon. Mr. GRAHAM: These children move from place to place.

The amendment was agreed to, and section 17 as amended was agreed to.

Sections 18 to 21, inclusive, were agreed to

On section 22—recovery of amount:

Right Hon. Mr. GRAHAM: Honourable gentlemen, I wish to move that the present subsection 3 of section 22 be stricken out and the following inserted in lieu thereof.

(3) Where, under the provisions of this section or of section 20, a sum of money is ordered to be paid, the court may adjudge, either by the order respecting the payment of such sum or by an order made subsequently, that the same shall be recoverable by distress and sale of the goods and chattels of the party and in default of such distress by imprisonment, and the amount shall be so recoverable or shall be recoverable in the same manner as a fine imposed under any provision of the Criminal Code is recoverable, or shall be recoverable as provided in any Act of the legislature of the province making provision for the recovery of fines.

That amendment has been drawn because of objection to the present draft by the Deputy Attorney General of the Province of Nova Scotia. The proposed new subsection is more specific.

The amendment was agreed to, and section 22 as amended was agreed to.

Sections 23 to 35 were agreed to.

On section 36—Contempt of court:

Right Hon. Mr. GRAHAM: I have an amendment to this section. Strike out section 36, and substitute therefor the following:

(1) Every juvenile court shall have such and like powers and authority to preserve order in court during the sittings thereof and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any court in Canada and by the judges thereof, during the sittings thereof.

(2) Every judge of a juvenile court, whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the process of other courts in like cases.

The comment of the Department is as follows:

Section 36 as presently drafted is not satisfactory to the sponsors of the Bill because it does not go far enough, and some slight objec-