

the word "control". A car may be in the street and the owner may have put it temporarily in charge of someone else. That other person, if intoxicated, would come within this subsection. I doubt that the word "care" could be deleted without weakening the clause.

Hon. Mr. WILLOUGHBY: If my honourable friend desires to put the subsection through in its present form, I am perfectly agreeable, but I think it could be worded better. Perhaps if the word "care" were stricken out—

Hon. Mr. DANDURAND: I am a little afraid to change the clause.

Hon. Mr. WILLOUGHBY: All right; let it go. We will consider it another year.

Section 8 was agreed to.

Section 9 to 32, inclusive, were agreed to.

On section 3—intentions not seditious:

Hon. Mr. DANDURAND: I think it would do no harm to adopt this section. As honourable gentlemen will see, the explanatory note says:

3. Section 133A which it is proposed to enact was former section 133 which was repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that was repealed.

Hon. Mr. WILLOUGHBY: I think section 3 should be rejected since section 2 was not adopted.

Hon. Mr. BELCOURT: I do not agree with my honourable friend.

Hon. Mr. WILLOUGHBY: I will not insist.

Hon. Mr. BELCOURT: The former section 133 of the Code was repealed in 1919. That section was the same as the one that it is now proposed to insert as section 133A. It provides exceptions; it makes clear that certain things will not constitute offences.

Hon. Mr. WILLOUGHBY: I do not see very much objection.

Hon. Mr. BELCOURT: It seems to me that it is a useful provision.

Hon. Mr. WILLOUGHBY: All right. I make no objection.

Section 3 was agreed to.

The preamble and the title were agreed to.

The Bill was reported, as amended.

The Hon. the SPEAKER: Is it your pleasure, honourable senators, to adopt the Committee's report?

Hon. Mr. DANDURAND.

Hon. Mr. MURDOCK: Honourable senators, I move an amendment, seconded by Hon. Mr. Copp. I move that the report of the Committee of the Whole be amended as follows:

Insert after section 1 the following:

2. Section ninety-eight of the said Act is repealed, and the numbers of the following clauses are amended accordingly.

I wonder if honourable senators would bear with me while I speak briefly to this amendment. I said this afternoon that personally I did not care whether this House rejected the proposal to repeal section 98 or not.

Hon. Mr. WILLOUGHBY: Will the honourable gentleman pardon me? Is he moving now to restore a section that was rejected?

Hon. Mr. MURDOCK: To amend the report of the Committee of the Whole, by—

Hon. Mr. WILLOUGHBY: I did not hear what the honourable gentleman's amendment was. I rose to inquire what it was; that is all.

Hon. Mr. MURDOCK: My amendment is to amend the report of the Committee of the Whole as follows:

Insert after section 1 the following:

2. Section ninety-eight of the said Act is repealed and the numbers of the following clauses are amended accordingly.

In effect, it is intended to restore the section of the Bill which the Committee of the Whole this afternoon decided, by a vote of 18 to 25, to strike out.

Hon. Mr. WILLOUGHBY: I submit the amendment is not in order, because there has been no notice given. I submit that amendment cannot be made without notice of motion.

Hon. Mr. DANDURAND: The point of order is well taken, but not for the reason my honourable friend gives.

Hon. Mr. WILLOUGHBY: That is one of the reasons.

Hon. Mr. DANDURAND: An amendment to a public Bill may be moved without notice, but not an amendment to a private Bill. I am not sure that my honourable friend (Hon. Mr. Murdock) is conforming to the rules. He can move to recommit the Bill to Committee of the Whole, or he may declare that on the motion for third reading of the Bill he will move his amendment.

Hon. Mr. BELCOURT: I think the proper procedure is for my honourable friend (Hon. Mr. Murdock), when the motion is put for the adoption of this report, to propose in amendment that the report be not adopted,