

*Criminal Code*

● (3:30 p.m.)

Every one who challenges or attempts by any means to provoke another person to fight a duel, is guilty of an indictable offence—

I do not think we have had very many duels in Canada lately. This is a section that is indeed archaic and could very conveniently be struck out. Another section says:

Every one who for valuable consideration carries on or plays or offers to carry on or to play, or employs any person to carry on or play in a public place or a place to which the public have access, the game of three-card monte—

And so on. When did we last hear of three-card monte being played in Canada? The Fathers of Confederation may have played it, but I am sure it is not played in Canada today. Another section says:

Every one who fraudulently pretends to exercise or to use any kind of witchcraft—

And so on. Is anybody practising witchcraft now?

**Mr. Bell:** Yes, the government.

**Mr. McQuaid:** Witchcraft is an offence punishable on summary conviction. These are only some examples. There are many other sections which should be taken out of the Criminal Code because they are meaningless. I suggest that now that we are going to amend the Criminal Code the government should have done a real job and taken out some of the sections which we do not need.

The minister has assured us that such amendments are on the way. I am prepared to accept his assurance in this respect, but at the same time I must express my very sincere hope that the necessary revision of the code will be made just as soon as possible.

Setting aside these considerations for the time being, I would like to return to my contention that the bill should have been presented to us in divisions rather than in its present form. When the Minister of Justice (Mr. Turner) moved second reading of the bill on Thursday, January 23, he asked this very question:

Why should this bill be split?

Whether he recognized it or not, he then proceeded to answer his own question because he said, as reported on page 4717 of *Hansard*:

Mr. Speaker, in introducing this massive bill I am very sensitive of the solemn duty that I have to the law of this country and of the effect that this bill, if adopted by the house, will have on the individual lives and individual human rights of everyone in Canada.

29180—341

On the same page he said:

The omnibus measure contains matters of deep social significance which, in the course of time, will affect the lives of most of us, perhaps each one of us, in varying degrees.

These words are very true. Therein, I submit, lies the reason why this bill should have been divided. As the minister said, it can affect and possibly will affect the conscience of every member of this house and will at some time or another touch the conscience of all the people of Canada. There are some principles in the bill with which I cannot agree. For that reason I shall be required, I submit, to vote against the whole bill. There are parts of the bill which are extremely good. So far as I am concerned, 95 per cent of the bill is good. I would like to vote for those parts which are good but I cannot—I will answer the argument of the hon. member for Winnipeg North Centre in a moment—vote for the whole bill because it contains clauses with which I cannot agree.

The minister put forth practically the same argument as was put forward today by the hon. member for Winnipeg North Centre. He said we will have the chance to vote separately on these issues when the bill reaches the report stage, and at that time it can be considered clause by clause. I agree that in all probability this privilege will be extended to us but I ask, how does that help the situation? When the bill is being studied clause by clause, if there is a clause with which I do not agree I will naturally vote against it. In all probability the clause will carry because the government will have a majority on the Committee and in the house when the bill is being considered at the report stage. Therefore in all probability the clause with which I disagree and against which I shall vote will carry.

The bill will come back to us in omnibus form. What am I expected to do then? What is the hon. member for Winnipeg North Centre going to do then? Is he going to swallow himself? Is he going to reverse himself then simply because the clause with which he disagrees is still in the bill? The hon. member mentioned the clause dealing with lotteries, and I will take that as an example. He said he cannot go along with it. But even if he votes against it at the report stage it will be included in the bill for which we shall be asked to vote on third reading.

**Mr. Knowles (Winnipeg North Centre):** Don't be too sure.