

tent does he think the conditions we have in Canada are due to section 98, which it is proposed to delete?

Hon. Mr. DANDURAND: I think that only a few agitators in Canada are in danger of coming within this section. Our labouring classes have shown themselves to be as well able to maintain peace and order as are any other classes, and they resent this section as an imputation against their own class.

Hon. Mr. MACDONELL: This clause is not directed against the labour element of the country. The honourable gentleman has been talking as though labour should be protected by the abolition of the section, but it is not directed against labour at all.

Hon. Mr. MURDOCK: Labour regards it as an affront.

Hon. Mr. MACDONELL: But they have no right to regard it in that way.

Hon. Mr. DANDURAND: As I have already said, no honourable member feels that he is in danger of coming within the provisions of this section. It is only the less influential people, those who are lower down on the social ladder, who fear oppression from a law that is so loose in its phraseology that it may permit of abuses by the police and other officials. I have heard elsewhere the same sentiment that has just been expressed by my honourable friend (Hon. Mr. Murdock), that labour considers it is worthy of more confidence than is implied by this section. I do not think that any harm would come from the deletion of section 98. We should still have the English common law, which has for many decades protected the people and the institutions of Great Britain and this country.

Hon. Mr. WILLOUGHBY: I should like to add that the honourable senator for Welland (Hon. Mr. Robertson), an ex-Minister of Labour, whose opinions are highly respected in this House, participated in the debate on the proposed deletion of this section last year. He was heartily in favour of retaining section 98. He is a high official in labour circles and surely is in as good a position as any honourable member to state the views of labour on this question.

Section 2 was rejected on division: yeas, 18; nays, 25.

On section 3—intentions not seditious:

Hon. Mr. DANDURAND: I will not move the adoption of section 3, in view of the rejection of section 2. Now that section 98

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is to remain in the Act, it may not be necessary to re-enact former section 133.

Section 3 stands.

Sections 4 and 5 were agreed to.

On section 6—broker reducing stock by selling for his own account:

Hon. J. J. DONNELLY: Honourable senators, the remarks which I am about to make do not apply particularly to section 6. The Bill as distributed to-day is somewhat less stringent than the one which I received a few days ago. Evidently the other House has made some amendments. Before we take any action with a view to making the present Criminal Code more stringent, it is well for us to remember that the administration of different sections of the Code is not at all times in the hands of men who have had the legal training necessary to qualify them to fulfil their duty properly. I regret that in the Province of Ontario laymen are sometimes appointed as police magistrates. I have been informed that such is not the case in the provinces of Quebec and Saskatchewan, and that while it may be legal to make such appointments in the other provinces it is not very often done. A Government commission may authorize a layman to sit as a police magistrate and may give him the power—I will not say the right, for there is a difference between power and right—to take away the liberty of a fellow man, but a Government commission does not in my opinion possess the miraculous power required to transform a layman into a judge capable of putting the proper construction on a statute and weighing the evidence. I am aware that the appointment of police magistrates is within the jurisdiction of the provinces, but in my opinion this Parliament has the power—and, I believe, the right and the duty—to enact such legislation as will insure that the different sections of this Code, and particularly those affecting the liberty of the subject, shall be interpreted and administered only by men who have been called to the bar of the province in which they reside. Possibly it is too near the end of the session to press for such an amendment, but I trust that the members of the Committee will bear this in mind and give it some consideration during the recess, and I hope that some action may be taken at the next session.

Hon. Mr. BELCOURT: I agree entirely with what has just been said by the honourable member from Bruce (Hon. Mr. Donnelly). I have had very nearly fifty years' experience at the bars of Ontario and Quebec,