

Sections 13, 14 and 15 are formal. To adapt this portion of the Code to the situation wherein Newfoundland is part of Canada, it is necessary to correct some of the discrepancies and harmonize the references. It was not possible to do this last fall, when the matter was before us and I had the privilege of explaining the amendments.

Section 16 is a simple provision which gives power to a magistrate to require the attendance before him of a person who may be confined in prison somewhere in Canada when a proceeding is going on before such magistrate. Up to the present time that authority has extended only to a superior or a county court judge.

We come now to section 18. Those of you who read this morning's issue of the *Globe and Mail* will have found this item featured in its story of these amendments. I suggest to you, however, that actually this section is quite unimportant; it merely eliminates something which the government does not regard as consistent with our present criminal administration. It deals with moieties, and proposes the repeal of sections 1041, 1042 and 1043 of the Code. The explanation is simply this. Under those three sections, an informer who informed in respect of an offence therein referred to was entitled to be paid one-half of the penalty. Section 1041 deals with the possession of or the negotiating or attempting to negotiate what is called "uncurrent copper coin", that is, any copper coin other than that which is current for currency purposes. I think it will be admitted that this does not appear to be so very important a matter; and the government has decided that police forces and police methods have been developed to such an extent that the administration of justice can be carried on quite well without having an informer and providing for payment to him of a moiety of the penalty for an offence of this kind. Section 1042 deals with various offences relating to desertion from the Army, the Navy and the Air Force. Hitherto the Code has provided that a person who informed as to the whereabouts of a deserter, or where he had been harboured, would be entitled to receive one-half of the penalty imposed upon a conviction for desertion. That section is to be repealed.

Section 1043, dealing with the same application of fines for offences in relation to cruelty to animals, is being repealed, and for the same reason, namely that it is felt that police methods are adequate to deal with these matters without relying on informers.

Hon. Mr. Reid: In connection with section 17, does the word "prison" include penitentiaries?

Hon. Mr. Hayden: Oh, yes. "Any prison" means just what it says.

Hon. Mr. Reid: Any penitentiary?

Hon. Mr. Hayden: Yes.

Section 19 of the bill also is very simple. Several years ago, when we passed an amendment to the Criminal Code dealing with what are called criminal sexual psychopaths, we provided that at the trial of such a person the Minister of Justice should designate a psychiatrist who would give evidence of his opinion as to the condition of the accused. In practice that provision has proved very cumbersome. Suppose a trial is going on in some city or town or village, it may be necessary to wire or write to the Minister of Justice and have him designate a psychiatrist. This is an awkward way of proceeding; and as the criminal administration is in the hands of the provinces, and the authority to select a psychiatrist pertains to the Minister of Justice, of course the provincial authorities are always ready to say, "You appointed this man; you should pay him." The amendment substitutes "Attorney General" for "Minister of Justice".

Hon. Mr. Reid: There is nothing in the law which says someone should examine the psychiatrist!

Hon. Mr. Hayden: No—except counsel for the accused.

May I now briefly refer to section 20 of the bill. Tied in with it are sections 17, 22 and 23. Section 20 inserts in the Criminal Code a section to bring into one place the provisions dealing with the commencement of sentence, and subsection 5 makes it clear that where a person applies for leave to appeal the same consequences follow under the Code as if it were an appeal.

Hon. Mr. Farris: Why the difference between subsections 2 and 4?

Hon. Mr. Hayden: May I answer that question as soon as I finish the factual explanations? Somewhat similar provisions are found in three statutes dealing with commencement of sentences—namely, the Criminal Code, the Penitentiary Act, and the Prisons and Reformatories Act. The department finally caught up with the situation and concluded that the confusion which results from the use, in three federal statutes, of varying language, probably aimed at the same effect, is such that all the provisions should be put in one statute. So these provisions dealing with commencement of sentences are to be placed in one section of the Code; and sections 17, 22 and 23 will provide for the repeal of the existing sections dealing with commencement of sentences