Memorandum on differences in the text of

Bill O, An Act respecting the Criminal Law

as passed by the Senate on December 17th, 1952

and

Bill 7, An Act respecting the Criminal Law

as passed by the House of Commons on April 8th, 1954.

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Clauses 1 to 8 (1), both inclusive.

Clauses 1 to 8 (1) appear in clauses 1 to 8 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, commencing at page 1248.

Clause 8 (2).

Clause 8 (2) appears in clause 9 of Bill 7.

NOTE

Clause 8 (2) of Bill O was inserted by the Senate to provide for an appeal in cases where persons are convicted of contempt of court. The provision inserted by the Senate provided for an appeal against the punishment imposed where the contempt was committed in the face of the court, but made no provision for an appeal from the conviction in those circumstances. The clause, as adopted by the Senate, made provision, however, for an appeal from the conviction or the punishment in cases where the contempt was not committed in the face of the court.

Clause 9 of Bill 7 provides that an appeal may be taken by a person convicted of contempt of court with leave of the court of appeal or a judge thereof against the conviction or against the punishment imposed, in any case.

The change in the procedure was recommended by the Special Committee of the House of Commons, which dealt with the Bill at the last session of Parliament.

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Clauses 9 and 10.

Clauses 9 and 10 appear in clauses 10 and 11 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1254.

Clause 11.

Clause 11, was deleted by the House of Commons and does not appear in Bill 7:

It read as follows:

"**11.** Where an offence is punishable by indictment or on summary conviction the prosecutor is entitled to elect whether the proceedings shall be by indictment or on summary conviction."

Clauses 12 to 15, both inclusive.

Clauses 12 to 15 are the same as clauses 12 to 15 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1254.

Clause 16.

Clause 16 appears as clause 16 of Bill 7.

NOTE

The subject-matter of this clause has been referred to a Royal Commission for inquiry and report.

The discussion on this clause, in the House of Commons, is to be found in the Debates for March 15, 1954, commencing at page 2986.

Clauses 17 to 19, both inclusive.

Clauses 17 to 19 are the same as clauses 17 to 19 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clause 20.

Clause 20 is the same as clause 20 of Bill 7, except that the words "*or summons*" have been added after the words "a warrant", in line 1.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clauses 21 to 27, both inclusive.

Clauses 21 to 27 are the same as clauses 21 to 27 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

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Clause 28. Clause 28 appears in clause 28 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

NOTE

The original clause in Bill O provided that where a person was authorized to execute a warrant to arrest and believed, in good faith and on reasonable and probable grounds, that the person whom he arrested was the person named in the warrant, he was *justified* in respect thereof to the same extent as if that person were the person named in the warrant. Subclause (2) provided similar protection to a person assisting in such an arrest.

In Bill 7, the word "*justified*" has been deleted in both subclauses and the words "*protected from criminal responsibility*" substituted therefor.

Clauses 29 to 32, both inclusive. Clauses 29 to 32 are the same as clauses 29 to 32 of Bill 7.

Clauses 29 to 31 are dealt with in the House of Commons Debates, January 19, 1954, at page 1256; clause 32 is dealt with in the Debates, April 7, commencing at page 3855.

Clause 33. Clause 33 appears in clause 33 of Bill 7.

NOTE

Subclauses (1) and (3) are the same in both Bills, but subclause (2) of Bill 7 has been amended by inserting the words "*by reason of resistance*" in the third line of that subclause.

The discussion of this amendment, in the House of Commons, is to be found in the Debates for April 7, 1954, commencing at page 3863.

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Clause 28. Clause 28 appears in clause 28 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

NOTE

The original clause in Bill O provided that where a person was authorized to execute a warrant to arrest and believed, in good faith and on reasonable and probable grounds, that the person whom he arrested was the person named in the warrant, he was *justified* in respect thereof to the same extent as if that person were the person named in the warrant. Subclause (2) provided similar protection to a person assisting in such an arrest.

In Bill 7, the word "*justified*" has been deleted in both subclauses and the words "*protected from criminal responsibility*" substituted therefor.

Clauses 29 to 32, both inclusive. Clauses 29 to 32 are the same as clauses 29 to 32 of Bill 7.

Clauses 29 to 31 are dealt with in the House of Commons Debates, January 19, 1954, at page 1256; clause 32 is dealt with in the Debates, April 7, commencing at page 3855.

Clause 33. Clause 33 appears in clause 33 of Bill 7.

NOTE

Subclauses (1) and (3) are the same in both Bills, but subclause (2) of Bill 7 has been amended by inserting the words "*by reason of resistance*" in the third line of that subclause.

The discussion of this amendment, in the House of Commons, is to be found in the Debates for April 7, 1954, commencing at page 3863.

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Clauses 34 to 45, both inclusive.

Clauses 34 to 45 are the same as clauses 34 to 45 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clause 46.

Clause 46 appears in clause 46 of Bill 7.

NOTE

This clause deals with treason. The clause was discussed in the Senate and certain amendments to the original draft were adopted and included in clause 46 of Bill O, as it was passed by the Senate.

The Minister of Justice, at page 3667, of the House of Commons Debates for April 5, 1954, summarizes the changes that were made from the time the draft of the Criminal Code was first introduced into the Senate up to the present time. He said, commencing at page 3667 of Hansard:

"I think it might be of some service if we were to compare the form of wording used in Bill H-S with section 3 (1) of the Official Secrets Act, which provides as follows:

> If any person for any purpose prejudicial to the safety or interests of the state
>
> *(a)* approaches, inspects, passes over, or is in the neighbourhood of, or enters any prohibited place; or
>
> *(b)* makes any sketch, plan, model or note which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power; or
>
> *(c)* obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article or note, or other document or information which is

calculated to be or might be or is intended to be directly or indirectly useful to a foreign power;

he shall be guilty of an offence under this act.

Now, the provision was discussed in the Senate banking and commerce committee, but the committee did not report. So that no recommendation was made either in favour of or against the provision. When the bill was introduced in the Senate for the second time as Bill "O"— it was first of all introduced as Bill H-S, and then died on the order paper, and was revived as Bill "O"— the provision was in the same form I have already indicated. The Senate banking and commerce committee, to which the bill was referred, thought at first that the paragraph was too broad and, secondly, that the conduct referred to in the paragraph was not such as should be defined as treason.

Actually the Senate removed paragraph *(e)* from clause 46 and inserted it in clause 50 as paragraph *(c)* in a changed form, reading as follows:

Every one commits an offence who

(c) conspires with an agent of a state other than Canada to communicate information or to do an act that is likely to be prejudicial to the safety of Canada.

Now, by transferring it to clause 50 it made the punishment applicable to it a period of fourteen years imprisonment. The provision was then introduced in the House of Commons in the form, naturally, in which it had left the Senate. In due course it went before the special committee of the house at the last session.

The special committee did not agree with the change the banking and commerce committee in the other place had

made, and they further amended the paragraph so that it took the form that it now takes in the bill before us. That is, as my hon. friend can see, the form in section 46 (1) *(c)* as it now reads. Perhaps I might comment upon that wording. It is quite different from the original wording and says:

> Without lawful authority, communicates or makes available to an agent of a state other than Canada,—

And then, instead of the single word "information" it particularizes as follows:

> —military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial—

Not to the "safety and interests of Canada", which is a rather vague expression, but—

> —to the safety or defence of Canada.

This makes it clear that it was military and scientific information relating to the safety or defence of Canada which was prohibited.

The relevant amendments that were moved in the House of Commons special committee were moved by the hon. member for Vancouver East, and the former member from St. John's West, Mr. Browne, and the former member for Gloucester, Mr. Robichaud. The effect of the amendment was to restore this provision back to the treason section, but to narrow it substantially from the broad and less certain terms in which it had been set out when it was before the Senate.

I have already indicated in the house that the government felt under an obligation, when introducing Bill No. 7

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at the present session, to introduce it, with a few minor typographical corrections, in the exact form in which it had been reported upon by the special House of Commons committee at the last session, so that the house would know that Bill No. 7 was the bill which had been considered by the parliament of Canada in a preceding session, and that it came to us again in the exact form in which the House of Commons special committee had passed upon it.

We in the government thought that if we had any views of dissent from the conclusions of the House of Commons committee we should lay before the members of the House of Commons the exact text upon which the House of Commons committee had passed, and then that we should bring in amendments to this text which we in the government proposed. In this way members could judge what had been approved by the House of Commons committee and would know exactly what we were proposing to change.

We in the government were quite deeply concerned with the question of what was the proper punishment for an offence of this kind.

How heavy the appropriate penalty should be for the disclosure of military and scientific information of this sort, is a matter which is not without very great difficulty to determine. This new sort of treason is in line with the great change which has come over the offence of treason from what it was in feudal days when it might have been an act of disloyalty to a personal king. But today there could be disclosure of information with regard to the "H" bomb or the atomic bomb which might have consequences much more serious for the state than even a personal attack upon the monarch.

Without detaining hon. members of this committee with details I think I should say that the government considered this problem at a great length and also in a sub-committee of the cabinet set up for that purpose we came to the view, which I will introduce amendments to support, that a distinction should be drawn between the offence when committed in peacetime and the offence when committed during wartime when it would be of a particularly heinous character and would be an act just as serious as adhering to the king's enemies. We knew that we would be one of very few free nations which imposed even on a non-mandatory basis the death penalty for an offence of this sort in peacetime. We therefore thought that the penalty sections of clause 46 should be amended to provide that it would continue to carry the present penalty, if the offence were committed during a time of war, and if committed during a time of peace it would carry the penalty of 14 years imprisonment."

Clause 46, as it now comes from the House of Commons, was further amended as the result of the discussion in that House.

See Debates of the House of Commons for April 5, 1954, at pages 3668 and 3669.

Clause 47. Clause 47 appears in clause 47 of Bill 7.

NOTE

As a result of the alteration of clause 46, clause 47, which is the punishment clause, was amended to reduce the punishment for treasonable acts, under paragraphs (*e*) and (*h*) of subclause (1) of clause 46, committed while no

state of war exists between Canada and another country, from death or life imprisonment to fourteen years imprisonment.

The discussion of this clause, in the House of Commons, is to be found in the Debates for April 5, 1954, commencing at page 3665.

Clause 48. Clause 48 is the same as clause 48 of Bill 7.

Dealt with in the House of Commons Debates, April 5, 1954, at page 3691.

Clause 49. Clause 49 is the same as clause 49 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clause 50. Clause 50 appears in clause 50 of Bill 7.

NOTE

In the first line of paragraph (*a*), the word "wilfully" was inserted before the word "assists", and the offence of conspiring to communicate information, which was inserted in clause 50 of Bill O, was deleted, since the offence is now included in clause 46, dealing with treason.

Dealt with in the House of Commons Debates, April 5, 1954, at page 3691, and April 6, at page 3698

Clause 51. Clause 51 is the same as clause 51 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clause 52. Clause 52 appears in clause 52 of Bill 7.

NOTE

The corresponding clause in Bill O did not have the saving provisions presently included in subclauses (3) and

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(4) of clause 52 of Bill 7. Subclauses (1) and (2) are the same as the similar provisions in Bill O, with the exception that, in paragraph (*a*), the words "*security or defence*" have been substituted for the words "or interests". Subclauses (3) and (4) have been inserted to protect the interests of labour.

The discussion of this clause, in the House of Commons, is to be found in the Debates for April 7, 1954, commencing at page 3873.

Clauses 53 to 63, both inclusive.

Clauses 53 to 63 are the same as clauses 53 to 63 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1256.

Clauses 64 to 69, both inclusive.

Clauses 64 to 69 appear in clauses 64 to 69 of Bill 7.

NOTE

Clauses 64 to 69 deal with unlawful assembly and riot. The discussion of these clauses in the House of Commons appears in the Debates for April 7, 1954, commencing at page 3864.

Clause 69 deals with preventing the making of a proclamation mentioned in the preceding clause and with failure to disperse from the place referred to in the proclamation after it is made. The similar provision in Bill O provided that, after the making of the proclamation, persons must disperse *immediately* after the proclamation is made. The House of Commons adopted an amendment to provide that such dispersal must take place "*within thirty minutes*". The changes appear in the last line of paragraph (*b*) and in the first line of paragraph (*c*).

The discussion of this clause, in the House of Commons, is to be found in the Debates for April 7, 1954, at page 3872.

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Clauses 70 to 87, both inclusive.

Clauses 70 to 87 are the same as clauses 70 to 87 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, commencing at page 1257.

Clause 88.

Clause 88 appears as clause 88 of Bill 7, with the addition, made by the House of Commons, of a subclause (3).

The discussion of this subclause is to be found in the Debates of the House of Commons for March 15, 1954, at page 2989.

Clauses 89 to 101, both inclusive.

Clauses 89 to 101 are the same as clauses 89 to 101 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, commencing at page 1263.

Clause 102.

Clause 102 appears as clause 102 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1270.

NOTE

Subclause (2) was amended by the House of Commons. The opening four lines of that subclause were redrafted. The lines repealed read as follows in Bill O:

"(2) Every one commits an offence who, being a party to a contract with the government directly or indirectly subscribes, gives, or agrees to subscribe or give, to any person any valuable consideration"

The discussion of this amendment, in the House of Commons, is to be found in the Debates for March 15, 1954, commencing at page 2990.

Clauses 103 to 115, both inclusive.

Clauses 103 to 115 are the same as clauses 103 to 115 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1274.

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Clause 116. Clause 116 appears as clause 116 of Bill 7.

Dealt with in the House of Commons Debates, March 15, 1954, commencing at page 2995.

NOTE

Subclause (1) was redrafted and subclause (3) added by the House of Commons. Subclause (1) of Bill O read as follows:

"**116.** (1) Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and is liable to imprisonment for fourteen years, whether or not the prior or the later evidence or either of them is true, unless he establishes that none of the evidence was given with intent to mislead."

Clauses 117 to 119, both inclusive. Clauses 117 to 119 are the same as clauses 117 to 119 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1275, and also (with respect to clause 119) March 15, at page 3003.

Clause 120. Clause 120 appears as clause 120 of Bill 7.

Dealt with in the House of Commons Debates, January 19, 1954, at page 1276.

NOTE

Clause 120 was amended by the House of Commons. The opening two lines of the clause as it appeared in Bill O read as follows:

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Discussion of this amendment, in the House of Commons, is to be found in the Debates for March 15, 1954, at page 3004.

Clauses 121 to 124, both inclusive. Clauses 121 to 124 are the same as clauses 121 to 124 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2028.

Clauses 125 to 130, both inclusive. Clauses 125 to 130 are the same as clauses 125 to 130 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2033.

Clause 131. Clause 131 appears as clause 131 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, at page 2036.

NOTE

Clause 131 was amended by the House of Commons by inserting the figure "*142*" after the figure "140".

Discussion of this amendment, in the House of Commons, is to be found in the Debates of the House of Commons for April 1, 1954, at page 3559.

Clauses 132 and 133. Clauses 132 and 133 are the same as clauses 132 and 133 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, at page 2036.

Clause 134. Clause 134 appears as clause 134 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, at page 2036.

NOTE

This clause was amended by the House of Commons. The clause read as follows in Bill O:

"**134.** Notwithstanding anything in this Act or any other Act of the Parliament of Canada, where an accused is charged with an offence under section 136, 137 or subsection (1) or (2) of section 138, the judge shall, if the only evidence that implicates the accused is the evidence, given under oath, of the female person in respect of whom the offence is alleged to have been committed and that evidence is not corroborated in a material particular, instruct the jury that it is not safe to find the accused guilty in the absence of evidence that corroborates, in a material particular, the evidence of that female person, but that they are entitled to find the accused guilty if they are satisfied beyond a reasonable doubt that her evidence is true."

Discussion of this clause, in the House of Commons, is to be found in the Debates for April 1, 1954, commencing at page 3558.

Clauses 135 to 140, both inclusive.

Clauses 135 to 140 are the same as clauses 135 to 140 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2039.

Clauses 141 to 149, both inclusive.

Clauses 141 to 149 are the same as clauses 141 to 149 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2050, and April 1st, commencing at page 3559.

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Clause 150.

Clause 150 appears as clause 150 of Bill 7.

Dealt with in the House of Commons Debates, April 1, 1954, commencing at page 3581 and April 2nd, commencing at page 3602.

NOTE

This clause was amended by the House of Commons by adding paragraph *(b)* of subclause (7).

Clauses 151 to 158, both inclusive.

Clauses 151 to 158 are the same as clauses 151 to 158 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2057 and April 2nd, commencing at page 3614.

Clauses 159 and 160.

Clauses 159 and 160 are the same as clauses 159 and 160 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, at page 2058.

Heading.

A heading "Disturbing Religious Services" was struck out, between clauses 160 and 161, by the House of Commons.

See House of Commons Debates, April 5, 1954, at page 3664.

Clause 161.

Clause 161 is the same as clause 161 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, at page 2061.

Clause 162.

Clause 162 appears in clause 162 of Bill 7.

Dealt with in the Debates of the House of Commons, February 12, 1954, at page 2061.

NOTE

This clause deals with the offence of trespassing at night. The clause was amended by the House of Commons by

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deleting the word "wanders" and providing that the loitering or prowling on the property of another person must be done near a dwelling house situated on that property, to constitute an offence under the clause.

Clause 163. Clause 163 the same as clause 163 of Bill 7.

Dealt with in the House of Commons Debates, February 12, 1954, commencing at page 2064, February 19, commencing at page 2265 and April 2, commencing at page 3627.

Clause 164. Clause 164 appears as clause 164 of Bill 7.

Dealt with in the House of Commons Debates, February 19, 1954, commencing at page 2267, February 24, commencing at page 2401 and March 15, at page 3004.

NOTE

Paragraph *(a)* of subclause (1) of this clause was redrafted by the House of Commons.

In Bill O, the paragraph read as follows:

"*(a)* not having any apparent means of support

(i) lives without employment, or

(ii) is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found;"

Clause 165. Clause 165 is the same as clause 165 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, at page 2402, April 2, commencing at page 3644 and April 5, commencing at page 3651.

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Clause 166. Clause 166 appears in clause 166 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, at page 2404.

NOTE

A change in this clause makes publishing a "*statement*" knowing it to be false an offence.

Clauses 167 to 183, both inclusive. Clauses 167 to 183 are the same as clauses 167 to 183 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, commencing at page 2405.

Clause 184. Clause 184 appears in clause 184 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, at page 2414.

NOTE

Paragraph *(k)* of subclause (1) was added by the House of Commons. A further amendment was made by that House, by deleting the word "earnings" in the last line of subclause (2) and substituting therefor the word "*avails*".

Clauses 185 to 199, both inclusive. Clauses 185 to 199 are the same as clauses 185 to 199 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, commencing at page 2414.

Clause 200. Clause 200 appears in clause 200 of Bill 7.

Dealt with in the House of Commons Debates, February 24, 1954, at page 2420.

NOTE

This clause was redrafted by the House of Commons. It appeared in Bill O as follows:

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"**200.** No person commits culpable homicide by reason only that he causes the death of a human being

(a) by influencing his mind, or

(b) by disorder or disease resulting from influencing his mind,

but this section does not apply where a person causes the death of a child or sick person by wilfully frightening him."

Clauses 201 to 216, both inclusive.

Clauses 201 to 216 are the same as clauses 201 to 216 of Bill 7.

Clauses 201 to 205 dealt with in the House of Commons Debates, February 24, 1954, at page 2420, clause 206 dealt with on aforementioned date and also on April 8, at page 3917, clause 207 dealt with on February 24, at page 2421, and clauses 208 to 216 dealt with on February 25, commencing at page 2446.

Clause 217.

Clause 217 appears in clause 217 of Bill 7.

Dealt with in the House of Commons Debates, February 25, 1954, at page 2447.

NOTE

This clause was redrafted by the House of Commons.

It appeared in Bill O as follows:

"**217.** Every one who administers or causes to be administered to any person or causes any person to take poison or any other destructive or noxious thing is guilty of an indictable offence and is liable

(a) to imprisonment for fourteen years, if thereby he endangers the life of or causes bodily harm to that person, or

(b) to imprisonment for two years, if he aggrieves or annoys that person or does it with intent thereby to aggrieve or annoy that person."

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Clauses 218 to 220, both inclusive.

Clauses 218 to 220 are the same as clauses 218 to 220 of Bill 7.

Dealt with in the House of Commons Debates, February 25, 1954, at page 2446.

Clause 221.

Clause 221 appears as clause 221 of Bill 7.

Dealt with in the House of Commons Debates, February 25, 1954, commencing at page 2447.

NOTE

Subclause (2) was redrafted by the House of Commons. It appeared in Bill O as follows:

"(2) Every one who, having the care, charge or control of a vehicle that is involved in an accident with a person, horse or vehicle, with intent to escape civil or criminal liability fails to stop his vehicle, offer assistance where any person has been injured and give his name and address is guilty of

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction."

Clauses 222 to 240, both inclusive.

Clauses 222 to 240 are the same as clauses 222 to 240 in Bill 7.

Clauses 222 to 224, dealt with in the House of Commons Debates, February 25, 1954, commencing at page 2465 and February 26, commencing at page 2475, Clauses 225 to 240 dealt with April 1st, commencing at page 3560.

Clause 241.

Clause 241 appears in clause 241 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

NOTE

Subclause (2) was amended by the House of Commons, by inserting the words *"issued under the authority of law"* in the second line of the subclause.

Clauses 242 to 249, both inclusive.

Clauses 242 to 249 are the same as clauses 242 to 249 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486 and also April 2nd, at page 3614.

Clause 250.

Clause 250 appears in clause 250 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

NOTE

This clause was redrafted by the House of Commons and the penalty altered.

Bill O read as follows:

"**250.** Every one who publishes a defamatory libel that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of five thousand dollars or to both."

Clause 251.

Clause 251 appears in clause 251 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

NOTE

This clause was redrafted by the House of Commons and the penalty altered.

Bill O read as follows:

"**251.** Every one who publishes a defamatory libel is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of one thousand dollars or to both."

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Clause 252. Clause 252 appears in clause 252 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

NOTE.

This clause was redrafted by the House of Commons and the penalty altered.

Bill O read as follows:

"**252.** (1) Every one commits an offence who, with intent

(a) to extort money from any person, or

(b) to induce a person to confer upon or procure for another person an appointment or office of profit or trust,

publishes or threatens to publish or offers to abstain from publishing or to prevent the publication of a defamatory libel.

(2) Every one commits an offence who, as the result of the refusal of any person to permit money to be extorted or to confer or procure an appointment or office of profit or trust, publishes or threatens to publish a defamatory libel.

(3) Every one who commits an offence under this section is guilty of an indictable offence and is liable to imprisonment for two years or to a fine of one thousand dollars or to both."

Clauses 253 to 279, both inclusive. Clauses 253 to 279 are the same as clauses 253 to 279 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

Clause 280. Clause 280 appears in clause 280 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

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NOTE.

This clause was redrafted by the House of Commons. Bill O read as follows:

"**280.** Except where otherwise prescribed by law, every one who commits theft is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the property alleged to have been stolen is a testamentary instrument or the alleged value of what is alleged to have been stolen exceeds fifty dollars, or

(b) to imprisonment for two years, where the alleged value of what is alleged to have been stolen does not exceed fifty dollars."

Clauses 281 to 294, both inclusive.

Clauses 281 to 294 are the same as clauses 281 to 294 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2486.

Clause 295.

Clause 295 appears in clause 295 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2489.

NOTE.

This clause was redrafted by the House of Commons, divided into two subclauses and the penalty altered in one instance.

Clause 295 of Bill O read as follows:

"**295.** Every one who without lawful excuse, the proof of which lies upon him,

(a) has in his possession any instrument for house-breaking, vault-breaking or safe-breaking, or

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(b) has his face masked or coloured or is otherwise disguised,

is guilty of an indictable offence and is liable to imprisonment for fourteen years."

Clause 296. Clause 296 is the same as clause 296 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2490.

Clause 297. Clause 297 appears in clause 297 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2490.

NOTE.

This clause was redrafted by the House of Commons.

Bill O read as follows:

"**297.** Every one who commits an offence under section 296 is guilty of an indictable offence and is liable

(a) to imprisonment for ten years, where the alleged value of what is alleged to have come into his possession exceeds fifty dollars, or

(b) to imprisonment for two years, where the alleged value of what is alleged to have come into his possession does not exceed fifty dollars."

Clauses 298 to 303, both inclusive. Clauses 298 to 303 are the same as clauses 298 to 303 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, commencing at page 2490.

Clause 304. Clause 304 appears in clause 304 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2492.

NOTE.

Two changes were made in this clause by the House of Commons. 1/ Paragraphs *(a)* and *(b)* of subclause (2) were redrafted.

Paragraphs *(a)* and *(b)* of Bill O read as follows:

"*(a)* to imprisonment for ten years, where the property alleged to have been obtained is a testamentary instrument or the alleged value of what is alleged to have been obtained exceeds fifty dollars, or

(b) to imprisonment for two years, where the alleged value of what is alleged to have been obtained does not exceed fifty dollars."

2/ Subclause (4) was amended by deleting the words "and did believe" after the word "believe" in the third last line of the subclause.

Clauses 305 to 307, both inclusive.

Clauses 305 to 307 are the same as clauses 305 to 307 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2492.

Heading.

A heading "Witchcraft" was struck out between clauses 307 and 308 by the House of Commons.

Discussion on this point is to be found in the Debates for February 26, 1954, commencing at page 2500.

Clause 308.

Clause 308 appears in clause 308 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2493 and also at page 2500.

NOTE.

The House of Commons inserted the word "*fraudulently*" in the first line of the clause.

BILL O.

Clauses 309 to 327, both inclusive.

Clauses 309 to 327 are the same as clauses 309 to 327 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, commencing at page 2501.

Clause 328.

Clause 328 appears in clause 328 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2502.

NOTE.

Subclause (2) was added by the House of Commons.

Clauses 329 to 338, both inclusive.

Clauses 329 to 338 are the same as clauses 329 to 338 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2502.

Clause 339.

Clause 339 appears in clause 339 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2502.

NOTE.

The House of Commons altered the penalty in subclause (1) by increasing it from five to ten years imprisonment.

Clause 340.

Clause 340 is the same as clause 340 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2502.

Clause 341.

Clause 341 appears in clause 341 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2502.

NOTE.

This clause was redrafted by the House of Commons. The clause read as follows in Bill O:

BILL O.

"**341.** Every one who, with intent to deceive,

(a) falsifies an employment record, or

(b) punches a time clock,

is guilty of an offence punishable on summary conviction."

Clause 342. Clause 342 is the same as clause 342 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2511.

Clause 343. Clause 343 appears in clause 343 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2511.

NOTE

The House of Commons altered the penalty in subclause (1) by increasing it from five to ten years imprisonment.

Clauses 344 to 364, both inclusive. Clauses 344 to 364 are the same as clauses 344 to 364 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, commencing at page 2511.

Clause 365. Clause 365 appears in clause 365 of Bill 7.

NOTE

Subclauses (2) and (3) were inserted by the House of Commons.

The discussion of the clause in the House of Commons is to be found in the Debates for April 8, 1954, commencing at page 3887.

Clauses 366 to 371, both inclusive. Clauses 366 to 371 are the same as clauses 366 to 371 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2513.

BILL O.

Clause 372. Clause 372 appears in clause 372 of Bill 7.

NOTE

Subclauses (6) and (7) were inserted by the House of Commons.

Discussion of this clause in the House of Commons is to be found in the Debates for April 7, 1954, commencing at page 3877 and April 8, at page 3886.

Clauses 373 to 385, both inclusive. Clauses 373 to 385 are the same as clauses 373 to 385 of Bill 7.

Clause 373 was dealt with in the House of Commons Debates, April 8, 1954, at page 3887, clause 374 on March 15, at page 3006 and clauses 375 to 385 on February 26, at page 2514.

Clause 386. Clause 386 appears in clause 386 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2514.

NOTE

The words "*and without lawful excuse*", in line 1, were added by the House of Commons.

Clauses 387 to 409, both inclusive. Clauses 387 to 409 are the same as clauses 387 to 409 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2514.

Clause 410. Clause 410 appears in clause 410 of Bill 7.

NOTE

Subclause (1) as it appeared in Bill O was deleted and a new subclause substituted therefor. The wording found in Bill 7 restores to this clause the language which is found in section 590 of the present Criminal Code.

Discussion of this clause is to be found in the Debates of the House of Commons for April 8, 1954, commencing at page 3917.

Subclause (1) of Bill O read as follows:

"**410.** (1) Except where otherwise expressly provided by law, no person shall be convicted of conspiracy in restraint of trade by reason only that he

(a) refuses to work with a workman or for an employer, or

(b) does any act or causes any act to be done for the purposes of a trade combination."

Clauses 411 to 420, both inclusive.

Clauses 411 to 420 are the same as clauses 411 to 420 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2514.

Clause 421.

Clause 421 appears in clause 421 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, at page 2515.

NOTE

This clause was amended by the House of Commons by inserting the words "*before a magistrate*" after the word "writing", in the first line of subclause (3), adding a new subclause (4) and renumbering the former subclause (4) as subclause (5).

Clauses 422 to 431, both inclusive.

Clauses 422 to 431 are the same as clauses 422 to 431 of Bill 7.

Dealt with in the House of Commons Debates, February 26, 1954, commencing at page 2515 and March 9, commencing at page 2826.

BILL O.
Clause 432.

Clause 432 appears in clause 432 of Bill 7.

Dealt with in the House of Commons Debates, March 9, 1954, commencing at page 2830 and also March 15, at page 3009.

NOTE

Two changes were made in this clause by the House of Commons. 1/ Paragraphs *(a)* and *(b)* of subclause (3) were redrafted. Paragraphs *(a)* and *(b)* of Bill O read as follows:

"*(a)* if possession of it by the person from whom it was seized is unlawful, order it to be forfeited unless he is authorized or required by law to dispose of it in some other way, or

(b) order that it be returned to the person from whom it was seized."

2/ A new subclause (7) was added.

Clauses 433 to 436, both inclusive.

Clauses 433 to 436 are the same as clauses 433 to 436 of Bill 7.

Dealt with in the House of Commons Debates, March 9, 1954, at page 2834.

Clause 437.

Clause 437 appears in clause 437 of Bill 7.

Dealt with in the House of Commons Debates, March 9, 1954, at page 2834.

NOTE.

This clause was amended by the House of Commons.

Clause 437 of Bill O read as follows:

"**437.** Any one who is

(a) the owner of property, or

(b) a person authorized by the owner of property,

may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property."

Clause 438. Clause 438 appears in clause 438 of Bill 7.

Dealt with in the House of Commons Debates, March 9, 1954, at page 2835.

NOTE.

This clause was amended by the House of Commons.

Clause 438 of Bill O read as follows:

"**438.** (1) Any one who arrests a person without warrant shall deliver that person to a peace officer.

(2) A peace officer may detain a person who has been arrested without warrant and shall, as soon as possible, bring that person before a justice to be dealt with according to law.

(3) Any one who arrests a person upon a warrant shall, as soon as possible, bring that person before the justice who issued the warrant or before some other justice for the same territorial division."

Clauses 439 to 468, both inclusive. Clauses 439 to 468 are the same as clauses 439 to 468 of Bill 7.

Dealt with in the House of Commons Debates, March 9, 1954, commencing at page 2836 and also March 10, commencing at page 2850.

Clause 469. Clause 469 appears in clause 469 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2852.

NOTE.

Subclauses (2) and (3) were inserted by the House of Commons.

BILL O.

Clauses 470 to 480, both inclusive.

Clauses 470 to 480 are the same as clauses 470 to 480 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2852.

Clause 481.

Clause 481 appears in clause 481 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2852.

NOTE.

Clause 481 was deleted by the House of Commons and a new clause substituted therefor. The clause as it appeared in Bill O read as follows:

"**481.** (1) Where an accused elects, under section 450, 468 or 475 to be tried by a judge or magistrate, as the case may be, and the judge or magistrate before whom the trial was commenced dies or is for any reason unable to continue, the trial may be continued, without further election by the accused, before another judge or magistrate, as the case may be, who has jurisdiction to try the accused under this Part.

(2) A judge or magistrate who acts pursuant to subsection (1).

(a) shall, if an adjudication was made by the judge or magistrate before whom the trial was commenced, impose the punishment or make the order that, in the circumstances, is authorized by law, or

(b) shall, if an adjudication was not made by the judge or magistrate before whom the trial was commenced, commence the trial again as a trial *de novo*."

Clauses 482 to 509, both inclusive.

Clauses 482 to 509 are the same as clauses 482 to 509 of Bill 7.

BILL O.

Dealt with in the House of Commons Debates, March 10, 1954, commencing at page 2852.

Clause 510. Clause 510 appears in clause 510 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2854.

NOTE.

Subclause (5) was amended by the House of Commons by inserting in the fifth line thereof the words *"to a subsequent day in the same sittings or to the next sittings of the court."*

Clause 511. Clause 511 appears in clause 511 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, commencing at page 2854.

NOTE.

This clause was amended by the House of Commons by inserting, in the third line thereof, after the word "necessary", the words *"unless the judge otherwise directs"*.

Clauses 512 to 587, both inclusive. Clauses 512 to 587 are the same as clauses 512 to 587 of Bill 7.

Clauses 512 to 556 dealt with in the House of Commons Debates, March 10, 1954, commencing at page 2854, clause 557 dealt with March 10, commencing at page 2858 and also March 15, at page 3010 and clauses 558 to 587 dealt with March 10, commencing at page 2858.

Clause 588. Clause 588 appears in clause 588 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2868.

NOTE.

This clause was amended by the House of Commons by striking out the words "by the appellant" where they appeared in the second last line of subclause (2).

Clauses 589 to 591, both inclusive.

Clauses 589 to 591 are the same as clauses 589 to 591 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2868.

Clause 592.

Clause 592 appears in clause 592 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2868.

NOTE.

The House of Commons deleted subclause (5) of Bill O and substituted therefor the new subclause (5) which appears in Bill 7. Subclause (5) of Bill O read as follows:

"(5) Where an appeal is taken in respect of proceedings under Part XVI and the court of appeal orders a new trial under this Part, the new trial shall, without further election by the accused, be held before a judge or magistrate, as the case may be, acting under that Part, other than the judge or magistrate who tried the accused in the first instance, unless the court of appeal directs that the new trial be held before the judge or magistrate who tried the accused in the first instance."

Clauses 593 to 598, both inclusive.

Clauses 593 to 598 are the same as clauses 593 to 598 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2869.

BILL O.

Clause 599. Clause 599 appears in clause 599 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2869.

NOTE.

This clause was amended by the House of Commons by inserting the words *"before or after the expiration of that period"* after the word "unless", in the second last line of the clause.

Clauses 600 to 627, both inclusive. Clauses 600 to 627 are the same as clauses 600 to 627 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2869.

Clause 628. Clause 628 appears in clause 628 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2872.

NOTE.

This clause was amended by the House of Commons.

The clause as it appeared in Bill O read as follows:

"**628.** A court that convicts an accused of an indictable offence may, by order, upon the application of a person aggrieved, at the time sentence is imposed, award out of moneys found in the possession of the accused at the time of his arrest, an amount by way of satisfaction or compensation for loss of or damage to property suffered by the applicant as a result of the commission of the offence of which the accused is convicted."

Clause 629. Clause 629 appears in clause 629 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2872.

NOTE.

This clause was amended by the House of Commons. The clause as it appeared in Bill O read as follows:

"**629.** Where an accused is convicted of an indictable offence and any property obtained as a result of the commission of the offence has been sold to an innocent purchaser, the court may by order, upon the application of the purchaser after restitution of the property to its owner, award to the purchaser, out of moneys found in the possession of the accused at the time of his arrest, an amount not exceeding the amount paid by the purchaser for the property."

Clause 630. Clause 630 is the same as clause 630 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2872.

Clause 631. Clause 631 appears in clause 631 of Bill 7.

Dealt with in the House of Commons Debates, March 10, 1954, at page 2873 and also March 11, at page 2888.

NOTE.

This clause was amended by the House of Commons. The clause as it appeared in Bill O read as follows:

"**631.** Where judgment is given for the accused in proceedings by indictment for the publication of a defamatory libel, the accused is entitled to recover from the prosecutor costs in a reasonable amount to be fixed by order of the court."

Clause 632. Clause 632 appears in clause 632 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2888.

NOTE.

This clause was amended by the House of Commons. The clause as it appeared in Bill O read as follows:

"**632.** Where costs that are fixed under section 631 are not paid forthwith the accused may enter judgment for the amount of the costs by filing the order in the superior court of the province in which the trial was held, and that judgment is enforceable against the prosecutor in the same manner as if it were a judgment rendered against him in that court in civil proceedings."

Clause 633. Clause 633 is the same as clause 633 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2888.

Clause 634. Clause 634 appears in clause 634 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2889.

NOTE.

Subclause (5) was redrafted by the House of Commons. In Bill O, this subclause read as follows:

"(5) For the purposes of this section, "penitentiary" does not, until January 1, 1954, include the pentitentiary mentioned in section 37 of the *Statute Law Amendment (Newfoundland) Act*, chapter 6 of the Statutes of Canada, 1949, (First Session)."

Clauses 635 to 637, both inclusive. Clauses 635 to 637 are the same as clauses 635 to 637 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, commencing at page 2889.

BILL O.
Clause 638.

Clause 638 appears in clause 638 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, commencing at page 2891.

NOTE.

The House of Commons inserted the words "*prescribe as conditions of the recognizance that*" in subclause (2).

Clauses 639 and 640.

Clauses 639 and 640 are the same as clauses 639 and 640 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2892.

Clause 641.

Clause 641 appears in clause 641 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2892 and also April 8, at page 3918.

NOTE.

The House of Commons made two changes in this clause.

1/ Subclause (3) was struck out and subclauses (3), (4) and (5) substituted therefor, in Bill 7.

2/ Subclause (4) of Bill O was renumbered as subclause (6) of Bill 7.

Subclause (3) of Bill O read as follows:

"(3) Every sentence of whipping shall be carried out in accordance with regulations to be made by the Governor in Council."

Clauses 642 to 647, both inclusive.

Clauses 642 to 647 are the same as clauses 642 to 647 of Bill 7.

Dealt with in the House of Commons Debates April 8, 1954, at page 3918.

BILL O.

Clause 648. Clause 648 appears in clause 648 of Bill 7.

Dealt with in the House of Commons Debates, April 8, 1954, at page 3918.

NOTE.

The House of Commons inserted a new subclause (5).

Clause 649. Clause 649 appears in clause 649 of Bill 7.

Dealt with in the House of Commons Debates, April 8, 1954, at page 3918.

NOTE.

In this clause, the "*Minister of Justice*" was substituted for "the Secretary of State".

Clauses 650 to 655, both inclusive. Clauses 650 to 655 are the same as clauses 650 to 655 of Bill 7.

Clauses 650 to 653 dealt with in the House of Commons Debates, April 8, 1954, at page 3918 and clauses 654 and 655 dealt with March 11, at page 2893.

Clause 656. Clause 656 appears in clause 656 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2893.

NOTE.

In subclause (2), the "*Minister of Justice or the Deputy Minister of Justice*" was substituted for "the Secretary of State or the Under Secretary of State."

Clauses 657 to 689, both inclusive. Clauses 657 to 689 are the same as clauses 657 to 689 of Bill 7.

Clauses 657 to 660 dealt with in the House of Commons Debates, March 11, 1954, commencing at page 2893, clause 661 dealt with April 8, at page 3931

and clauses 662 to 689 dealt with March 11, commencing at page 2895.

Clause 690. Clause 690 appears in clause 690 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2899.

NOTE.

The House of Commons amended this clause by inserting the words "*on the merits*" after the word "refused", in the third line.

Clause 691. Clause 691 appears in clause 691 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2901.

NOTE.

The House of Commons inserted subclause (3).

Clauses 692 and 693. Clauses 692 and 693 are the same as clauses 692 and 693 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2901.

Clause 694. Clause 694 appears in clause 694 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, commencing at page 2901 and also March 15, commencing at page 3015.

NOTE.

Subclause (3) was deleted and a new subclause (3) substituted therefor by the House of Commons.

subclause (3) of Bill O read as follows:

"(3) A summary conviction court may direct that any fine, pecuniary penalty or sum of money adjudged to be

paid shall be paid forthwith or at a time to be fixed by the summary conviction court."

Clauses 695 and 696. Clauses 695 and 696 are the same as clauses 695 and 696 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2911.

Clause 697. Clause 697 appears in clause 697 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2911.

NOTE.

The House of Commons inserted subclauses (4) and (5).

Clauses 698 to 742, both inclusive. Clauses 698 to 742 are the same as clauses 698 to 742 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at pages 2911 and 2912.

Clause 743. Clause 743 appears in clause 743 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2912.

NOTE.

The House of Commons inserted subclause (5).

Clause 744. Clause 744 appears in clause 744 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2912.

NOTE.

The House of Commons made the following changes in the Schedule to the clause:

BILL O.

Under the heading *'Fees and allowances that may be allowed to peace officers'* in items 20, 21, 22 and 23, the mileage rate for service, etc., has been reduced from 20 cents to [illegible] cents per mile.

Under the heading *'Fees and allowances that may be allowed to witnesses'* in item 25, the rate has been increased from $3.00 to *$4.00* per day and in item 26, the mileage rate has been reduced from 20 cents to *10* cents per mile.

Under the heading *'Fees and allowances that may be allowed to interpreters'* in item 28, the allowance for living expenses has been increased from $5.00 to *$10.00* per day and in item 29, the mileage rate has been reduced from [illegible] cents to *10* cents per mile.

Clause 745. Clause 745 appears in clause 745 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2915.

NOTE.

Subclause (2) was deleted by the House of Commons.

This subclause read as follows in Bill 0:

"(2) The following provisions of the *Yukon Act*, chapter 215 of the Revised Statutes of Canada, 1927, are repealed, namely, section 69A, subsection (1) of section 79, sections 80 to 93, sections 95 to 99, and sections 110, 114, 119 and [illegible]."

Clause 746. Clause 746 appears in clause 746 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2915.

NOTE.

This clause was redrafted by the House of Commons.

In Bill O, it read as follows:—

BILL O.

"**746.** Every offence against the criminal law that was wholly or partly committed before the coming into force of this Act shall be dealt with, inquired into, tried and determined, and any penalty, forfeiture or punishment in respect of that offence shall be imposed as if this Act had not come into force."

Clause 747. Clause 747 now appears in clause 752 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2915.

Clause 748. Clause 748 now appears in clause 753 of Bill 7.

Dealt with in the House of Commons Debates, March 11, 1954, at page 2915.

Clauses 748, 749 and 750 are new clauses and were not included in Bill O.

Clauses 747 to 751, both inclusive, of Bill 7 amend the Acts mentioned in those clauses to conform to the provisions of the new Criminal Code.

Respectfully submitted,

4th May, 1954. (Sgd.) J. F. MacNEILL.