

Hon. Mr. Hayden: I move that they be concurred in now.

Hon. Mr. Reid: What is the hurry?

Hon. Mr. Hayden: Honourable senators, these amendments are formal in one sense. The first one simply means that under the new Bank Act the banks would have the option of establishing whatever method they preferred for the transfer of their shares. Heretofore the shares could only be transferred on the books of the company, but this amendment would incorporate in the Bank Act the provisions in the Companies Act of Canada dealing with methods of transfer. The second amendment simply strikes out one line in the form in Schedule L. This change does not impair the security of the bank at all, and it relieves the borrower from possible additional expense and possible additional paper work in connection with loans on oil in or upon the ground or otherwise.

The motion was agreed to and the amendments were concurred in.

The Hon. the Speaker: When shall this bill, as amended, be read the third time?

Hon. Mr. Hayden: Now.

Hon. Mr. Reid: Next sitting.

#### BANK OF CANADA BILL

##### REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 297.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (297 from the House of Commons) intituled: "An Act to amend the Bank of Canada Act", have in obedience to the order of reference of June 8, 1954, examined the said bill and now beg leave to report the same without any amendment.

##### THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

#### QUEBEC SAVINGS BANK BILL

##### REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 419.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (419 from the House of Commons) intituled: "An Act respecting savings banks in the province of Quebec", have in obedience to the order of reference of June 9, 1954, examined the said bill and now beg leave to report the same without any amendment.

##### THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

#### CRIMINAL CODE BILL

##### REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 7, an Act respecting the criminal law.

Hon. Mr. Macdonald: Honourable senators, as there are quite a number of amendments to this bill it might be well to have the reading by the Clerk Assistant dispensed with, and to ask the Chairman of the committee if he will be good enough to explain them.

For text of the committee's report, see appendix to today's Report of Debates, p. 604.

Hon. Salter A. Hayden moved concurrence in the amendments.

He said: Honourable senators, the first of the amendments contained in the report has to do with the question of appeals in the case of contempt in criminal proceedings. It will be recalled that, in the bill which we sent to the Commons on two occasions, we provided for the first time a right of appeal in respect of a contempt committed in the face of the court. That right was limited to appeal from a sentence, because we felt that in those circumstances, in order to maintain the dignity of the court, there should be no right of appeal from the judge's decision that contempt had been committed. The second thing we did was to provide a right of appeal from conviction and sentence in any cases where contempt had taken place other than in the face of the court. Honourable senators will have read during the last year or so reports of newspaper editors having been hauled to court to answer citations for contempt. It is that type of offence I refer to when I speak of contempt other than in the face of a court.

## APPENDIX

(See page 584.)

The Standing Committee on Banking and Commerce, to whom was referred the Bill (7 from the House of Commons) intituled: "An Act respecting the Criminal Law", have in obedience to the order of reference of 11th May, 1954, examined the said bill and now beg leave to report the English version of the bill with the following amendments:

1. Page 10, lines 1 to 9: strike out clause 9 and substitute therefor the following:

"9. (1) Where a court, judge, justice, or magistrate summarily convicts a person for a contempt of court committed in the face of the court and imposes punishment in respect thereof, that person may appeal against the punishment imposed.

(2) Where a court or judge summarily convicts a person for a contempt of court not committed in the face of the court and punishment is imposed in respect thereof, that person may appeal

(a) from the conviction, or

(b) against the punishment imposed.

(3) An appeal under this section lies to the court of appeal of the province in which the proceedings take place, and, for the purposes of this section, the provisions of Part XVIII apply, *mutatis mutandis*."

2. Page 13, lines 8 to 14: strike out subclause (3) of clause 25 and substitute therefor the following:

"(3) Subject to subsection (4), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm.

(4) A peace officer who is proceeding lawfully to arrest, with or without warrant, any person for an offence for which that person may be arrested without warrant, and every one lawfully assisting the peace officer, is justified, if the person to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner."

3. Page 24, line 42: after "do", insert the words "if he is satisfied that a riot is in progress,"

4. Page 57, lines 43 to 49: strike out subclause (6) and substitute therefor the following:

"(6) Nothing in this section or in section 431 authorizes the seizure, forfeiture or destruction of telephone, telegraph or other communication facilities or equipment that may be evidence of or that may have been used in the commission of an offence under section 176, 177, 179 or 182 and that is owned by a person engaged in providing telephone, telegraph or other communication service to the public or forming part of the telephone, telegraph or other communication service or system of such a person."

5. Page 61: immediately after line 38 insert the following as subclause (2) and re-number the subsequent subclauses accordingly:

"(2) Subsection (1) does not apply in respect of a race meeting conducted by an association mentioned in subparagraph (i) of paragraph (c) of that subsection in a province other than a province in which the association, before the 1st day of May, 1954, conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture."

6. Page 62, line 19: strike out "(2) and (3)" and substitute therefor "(3) and (4)".

7. Page 134, line 14: insert after "400." "(1)".

8. Page 134; immediately after line 22, insert the following as subclauses (2) and (3):—

"(2) Every one who publishes or prints anything in the likeness or appearance of

(a) all or part of a current bank note or current paper money, or

(b) all or part of any obligation or security of a government or a bank,

is guilty of an offence punishable on summary conviction.

(3) No person shall be convicted of an offence under subsection (2) where it is established that, in publishing or printing anything to which that subsection applies,

(a) no photography was used at any stage for the purpose of publishing or printing it, except in connection with processes necessarily involved in transferring a finished drawing or sketch to a printed surface,

(b) except for the word 'Canada', nothing having the appearance of a word, letter or numeral was a complete word, letter or numeral,

- (c) no representation of a human face or figure was more than a general indication of features, without detail,
- (d) no more than one colour was used, and
- (e) nothing in the likeness or appearance of the back of a current bank note or current paper money was published or printed in any form."
9. Page 238, lines 10 to 18: strike out clause 690 and substitute therefor the following:—  
"690. Nothing in this Act limits or affects any provision of the Supreme Court Act that relates to writs of *habeas corpus* arising out of criminal matters."
10. Page 238, lines 19 to 32: strike out clause 691 and substitute therefor the following:—  
"691. (1) An appeal lies to the court of appeal from a decision granting or refusing the relief sought in proceedings by way of *mandamus*, *certiorari* or prohibition.  
(2) The provisions of Part XVIII apply, *mutatis mutandis*, to appeals under this section."
- Your committee beg leave to report the French version of the bill with the following amendments:
1. In the title: Delete "pénal", and substitute therefor "criminel".
  2. Page 1, line 5: Number from (1) to (44), inclusively, the 44 definitions prescribed in clause 2, according to their French alphabetical order.
  3. Page 7, line 19: Delete "tout", and substitute therefor "une débenture".
  4. Page 8, line 7: Delete "(32)", and substitute therefor "(7)".
  5. Page 8, lines 15, 20 and 25: Delete "(42)", and substitute therefor "(41)".
  6. Page 8, line 21: Delete "de l'immeuble", and substitute therefor "des biens-fonds".
  7. Page 9, line 25: Delete "pénal", and substitute therefor "criminel".
  8. Page 12, line 24: Delete "provoquée", and substitute therefor "incitée".
  9. Page 37, line 33: Delete "pénal", and substitute therefor "criminel".
  10. Page 96, line 15: Immediately after the word "billet", insert "une débenture".
  11. Page 148, lines 1 and 2: Delete "prévoit expressément le contraire", and substitute therefor "y pourvoit expressément de façon différente".
  12. Page 148, lines 26 and 27: Delete "prévoit expressément le contraire", and substitute therefor "y pourvoit expressément de façon différente".
  13. Page 149, lines 1 and 2: Delete "prévoit expressément le contraire", and substitute therefor "y pourvoit expressément de façon différente".
  14. Page 153, lines 10 and 11: Delete "prévoit expressément le contraire", and substitute therefor "y pourvoit expressément de façon différente".
  15. Page 156, line 2: Delete "pénale", and substitute therefor "criminelle".
  16. Page 231, lines 45 to 48: Delete clause 624 (1), and substitute therefor:  
"624.(1) Une sentence commence au moment où elle est imposée, sauf lorsqu'une disposition applicable y pourvoit de façon différente ou que la cour en ordonne autrement".
  17. Page 236, line 17: Delete "Sauf dispositions contraires", and substitute therefor "Sauf lorsqu'il y est autrement pourvu".
  18. Page 236, line 44: Delete "sauf dispositions contraires", and substitute therefor "sauf lorsqu'il y est autrement pourvu".
  19. Page 259, line 1, Delete "Sauf si la loi prévoit le contraire", and substitute therefor "Sauf si la loi y pourvoit différemment".
  20. Page 268, line 34: Delete "contraires", and substitute therefor "différentes".
  21. Page 270, line 19: Delete "consentent au contraire", and substitute therefor "en conviennent autrement".
  22. Page 275, lines 40 and 41: Delete "décision contestée", and substitute therefor "date à laquelle a été rendue la décision mise en question".
  23. Page 283, lines 4 and 17: Delete "pénal", and substitute therefor "criminel".
  24. Page 296, Form 14: Last line of the last paragraph: Delete "contraire" and substitute therefor "différent".
  25. Page 299, Form 17: Last line of the last paragraph: Delete "qu'on l'en sorte", and substitute therefor "qu'il soit livré en d'autres mains".
  26. Page 302, Form 20: Second last line of the last paragraph: Delete "qu'on l'en sorte", and substitute therefor "qu'il soit libéré".