THE SENATE

Thursday, May 15, 1952

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. W. M. Aselline, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill J-8, an Act for the relief of William Wallace Watson.

Bill K-8, an Act for the relief of Russell James Barrett.

Bill L-8, an Act for the relief of Alice Sabria O'Connor Muskett.

Bill M-8, an Act for the relief of Julia Emma Pearl Sager Noiseux.

Bill N-8, an Act for the relief of David Gilmore Bennett.

Bill O-8, an Act for the relief of Kathleen Hilda Turk Woodall.

Bill P-8, an Act for the relief of Mary Elizabeth Cate Lowe.

Bill Q-8, an Act for the relief of Aldea Gendreau Bourbonnais.

Bill R-8, an Act for the relief of Peter Ernest Walker.

Bill S-8, an Act for the relief of Dorothy Agnes Kearns Bradley.

Bill T-8, an Act for the relief of Sarah Bernstein Smith.

Bill U-8, an Act for the relief of Margaret Gladys Redman Glassco.

Bill V-8, an Act for the relief of Louise Joslyn Smith Harvey-Jellie.

Bill W-8, an Act for the relief of Bertha Naujoks Stehr.

Bill X-8, an Act for the relief of Margit Aloisia Payer Worontschak.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Aselline: Next sitting.

PRIVATE BILL

REPORT OF COMMITTEE

Hon. Mr. Nicol presented the report of the Standing Committee on Banking and Commerce on Bill V-6, an Act to incorporate the Great Eastern Insurance Company.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred Bill V-6, an Act to incorporate the Great Eastern Insurance Company, have in obedience to the order of reference of May 6, 1952, examined the said bill and now beg leave to report the same without any amendment.

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

Hon. Mr. Dupuis: Next sitting.

PRIVATE BILL

REPORT OF COMMITTEE

Hon. Mr. Nicol presented the report of the Standing Committee on Banking and Commerce on Bill D-7, an Act respecting the Economical Mutual Fire Insurance Company.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred Bill D-7, an Act respecting the Economical Mutual Fire Insurance have in obedience to the order of reference of May 7, 1952, examined the said bill and now beg leave to report the same without any amendment.

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

Hon. Mr. Euler: Next Tuesday.

PRIVATE BILL

THIRD READING

Hon. S. S. McKeen moved the third reading of Bill R-6, an Act respecting the Burrard Inlet Tunnel and Bridge Company.

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

PRIVATE BILL

THIRD READING

Hon. Mr. Duffus moved the third reading of Bill E-7, an Act respecting the Sisters of Charity of the House of Providence.

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

PRIVATE BILL

THIRD READING

Hon. Mr. Fogo moved the third reading of Bill G-7, an Act respecting a certain patent application of the Garrett Corporation.

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

CRIMINAL CODE BILL

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr.

Robertson for the second reading of Bill H-8, an Act respecting the Criminal Law.

Hon. A. W. Roebuck: Honourable senators, when I was speaking on this debate yesterday, and before the interruption, I was pointing out that the substantive law was not affected by the commission's order of reference; that what was discussed by the commissioners was more the phraseology in which the criminal law is expressed than the substance of the law itself, a task that in my judgment was long overdue.

The Criminal Code was drawn, not by one author, but by many. It came in the first instance from a report to the British House of Commons, which was not adopted by that house; and it did not become law in Great Britain, although it did here. Year after year it has been amended and revamped in part, but never in whole. So the time finally came when a big job had to be done; the remodelling of the statement of criminal law.

Although it is the expression of the law with which we are now concerned, in the very nature of things the substance of law also arises, in two ways. In the first instance, no two words in the English language mean exactly the same thing; so if the phraseology is changed, the thought is also changed. Secondly, we are asked to re-enact the law in its new dress. Therefore, for two reasons, the substance of the law—the whole Code—is to be passed upon by this house. In consequence, I submit, this is a serious matter which should receive the maximum of care.

The commissioners themselves admit that in some respects they have altered and revised the substance of the Criminal Code. For instance, they have abolished common law offences—and for that I give them credit. True, there were very few such offences still in existence, and it was seldom that charges under the common law were laid in our courts. How many offences under the common law had not been included in the Criminal Code, I for one do not know. Others in the house may have seen a consolidation or even a treatise on what was left out of the criminal law, but I never have. So it seems to me in view of the ancient legal principle that ignorance of the law is no excuse, and that citizens are expected to know the law and observe it, the least we can do is to have an authoritative statement of what it is. To me it is silly and ridiculous that citizens of Canada should be called upon to search the ancient texts of English courts in order to find out what is prohibited in our own country. The commissioners have removed any possibility of a charge being laid in Canada for the commission of an offence prohibited by English common law. Only those offences that are to be found in the Criminal Code may be charged in Canadian courts under the title of criminal law. For that, I take it, the commissioners are certainly to be congratulated.

There have been a number of other important changes, more than I can discuss today. For instance, it was the desire of the commissioners to abolish minimum penalties. With that purpose, too, I have a great deal of sympathy. I never liked this hog-tying of magistrates and judges in the matter of punishment by making the penalty automatic upon conviction and stating its amount, so that a magistrate could give more but could not give less. The result, of course, has been that men whom magistrates, judges and juries did not wish to punish were not convicted. I myself have seen the criminal law evaded through the refusal of juries to convict before a judge whom they thought was unduly severe; and so an inaccurate decision was given in order to correct what the jury felt was wrong. In the matter of these minimum penalties, the responsibility is not with the magistrate but with parliament; so a magistrate, faced with the facts, is likely to make his finding in accordance with the penalty attached to it, because he cannot proportion the penalty to the proper finding. The commission has decided to abolish that restriction and leave the matter of sentence in the hands of the magistrate or the judge.

I notice, however, that the minister says he has not wholly followed the advice of the commissioners in this regard; and there is something to be said for his point of view. When a young offender comes before the court for a first offence, the thought is uppermost that he may not have fully realized the gravity and the consequences of his act, and that, having come to realize them, he may never repeat the offence. But that can hardly be argued in favour of the man who drives when in a drunken state or when his ability to drive has been so affected that he endangers the lives of his fellow citizens, because the admonition "if you drive, don't drink; if you drink don't drive" has been too frequently repeated for anybody in this country now to plead ignorance of the dangers and the wrong of driving a motor-car when efficiency is affected. Furthermore, the temptation of magistrates to be lenient when citizens, otherwise respectable, come before them, is very great. So there is a good deal of support for what the minister said here, that the minimum penalties for drunk driving have not been abolished.

I am not so sure that I go with the minister in the matter of offences against the Post Office. There is a tendency among departments of government to make themselves sacrosanct, a fourth estate somewhat different from ordinary men; and so you have special

provisions in the Code relating to theft from the Post Office. I suppose that could be justified as regards an employee of that department whose duty it is to sort mail. There is upon him some special obligation, *uberrimae fidei*, with respect to the mail which he is handling, and perhaps special penalties might well be meted out to one who is in a position of trust of that kind who steals from the Post Office. But the provisions, as I see them, are very general. On the boulevard in front of my house in Toronto there is a box, put there by the Post Office for the purpose of assisting postal employees in the sorting of the mail of the locality. This box is not on my property, but on city property right in front of my house. Each day Post Office employees put mail in that box and take mail from it, and frequently I see, lying beside it, bags designed for the carrying of mail. These bags are left unguarded, and anybody could take them away. If some person assumed that the bags had been abandoned by the Post Office, and carried them away, I suppose the magistrate would have to send that person to jail, willy-nilly, if he determined that the bags had been taken intentionally, and it was a case of theft. I would not go that far. But this is a matter for discussion in committee.

I wish to congratulate the commissioners on their boldness and common sense in at last furnishing a definition of sedition. In the present code sedition is defined in these words: "Seditious words are words that express a seditious intention."

Some Hon. Senators: Oh, oh.

Hon. Mr. Roebuck: There is no definition of a seditious intention, so you are just like a little kitten chasing its tail in a circle. Parliaments and ministers in the past have shied away from the difficult task of defining the offence of sedition or of stating what sedition is. In his address to this house on Monday last, the Minister of Justice pointed out the difficulty of condensing in two or three sentences what constitutes "seditious intention" as laid down in the reasons for judgment in which the definitions are to be found. Once again let me point out that ignorance of the law is no excuse, and that the obligation to do this difficult thing, which ministers of justice say they cannot do, therefore rests upon the shoulders of the ordinary citizen. And if he is charged with a seditious offence he finds that it is no excuse for him to say that the law-givers of the dominion had been so loose in their expression of the law that he did not know what the law was. I say that if it is the duty of anybody to find out what the law of sedition is, it is the duty of parliament. The commissioners have been bold enough to actually put into the Code for the first time a readable definition of the offence. At the moment I think it is also a sensible definition, but I reserve judgment on this until we have read it more carefully in committee.

Hon. Mr. Vien: Have you got the wording?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Vien: I do not want to interrupt.

Hon. Mr. Roebuck: That is perfectly all right. It is section 60, and it reads.

(1) Seditious words are words that express a seditious intention.

(2) A seditious libel is a libel that expresses a seditious intention.

(3) A seditious conspiracy is an agreement between two or more persons to carry out a seditious intention.

(4) Without limiting the generality of the meaning of the expression "seditious intention," every one shall be presumed to have a seditious intention who

(a) teaches or advocates, or

(b) publishes or circulates any writing that advocates, the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada.

Anybody can understand that.

(5) Notwithstanding subsection (4), no person shall be deemed to have a seditious intention by reason only that he intends, in good faith,

(a) to show that Her Majesty has been misled or mistaken in her measures,

(b) to point out errors or defects in

(i) the government or constitution of Canada or a province,

(ii) the Parliament of Canada or the legislature of a province, or

(iii) the administration of justice in Canada,

(c) to procure, by lawful means, the alteration of any matter of government in Canada, or

(d) to point out, for the purpose of removal, matters that produce or tend to produce feelings of hostility and ill-will between different classes of persons in Canada.

Section 61 reads:

61. Every one who

(a) speaks seditious words,

(b) publishes a seditious libel, or

(c) is a party to a seditious conspiracy, is guilty of an indictable offence and is liable to imprisonment for fourteen years.

Thus, honourable senators, in a very short paragraph which has taken me only a moment to read, we find the whole law of sedition except, of course, as the words are defined by the judges in written judgments. Lawyers will still have plenty to study, but the substance of the law itself is all there. I repeat that I give these commissioners credit for their boldness and common sense in drafting that section.

I am not so sure, however, about their wisdom in dealing with treason. A section has been added to the Code, which to my mind is very doubtful. It is section 46.

46(1) Everyone commits treason who, in Canada,

(c) assists an enemy at war with Canada, or any armed forces against whom Canadian forces are

engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are.

I saw in *Saturday Night* of May 31 an editorial which expresses my view rather well. It says:

. . . the extreme uncertainty and obscurity of the new definition of treason (a crime punishable by death) which makes it cover, not merely assistance to an "enemy," but also assistance to "any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists." The existence of a state of war, and consequently of a defined enemy, is a matter of proclamation; the Queen tells her Canadian subjects to whom they may not lend assistance and when such assistance becomes treasonable. No such official action is necessary to turn a legitimate action into treason when the test is merely that the action benefits any armed forces against whom Canadian forces are engaged in hostilities.

Incidentally, this removal of the distinction between "hostilities" and "war" abolishes at one sweep all the "laws of war" as they have developed over the centuries, and creates a new situation to which no precedents or treaties concerning war have any application. Among other things, it is not necessary that the Canadian forces in question should have been ordered into hostilities by any action of the Canadian government; they may have been plunged into them by the commander of an allied but alien army. It may be treason to aid an armed force which the Canadian government does not even know is "engaged in hostilities" against our forces, for the amended Code says nothing about any action by the Canadian government whatever.

It seems to me that in going so far we are taking a reckless step. The citizens of Canada should know what alien forces it is treasonable to aid. There should be some sort of proclamation before the highest offence known to the criminal law becomes chargeable against a citizen. Aside from that, of course anybody who assists the armed forces of a nation with whom Canada is at war is guilty of treason and I have no objection to the part of the Code which deals with that definite offence. My only objection is to the indefiniteness of the offence provided for in the paragraph that I read.

Honourable senators may remember that not long ago there was an amendment to the Criminal Code with respect to the Royal Canadian Mounted Police, whereby that force was made a police force apart from all other police forces in this country. I understand that amendment has been carried into the new Code. The ordinary municipal or provincial police is a civilian, not a military force. In days gone by the R.C.M.P. also has been considered a civilian force. For that reason it has been usable at times in connection with strikes and civilian disturbances where it could not have been used had it been a military force. Yet by this Code we are applying to the R.C.M.P. the provisions dealing with such things as failure to obey a commanding officer, and desertion—of all things, desertion from a police force!—and we have even gone so far as to make it an offence on the part of anyone to harbour a member of the R.C.M.P. who deserts or is absent without leave. Those provisions might be all right for a military force, but I do not like to see them applied to a civilian force.

The *Saturday Night* editorial from which I have already quoted has a paragraph on this subject, too, that I think is worth reading:

The ancient and invaluable distinction between the police forces and the armed forces of the nation are abolished by amendments which place the R.C.M.P. on exactly the same footing as the armed forces, making it as grave an offence to counsel refusal of duty by a member of the R.C.M.P. as by a soldier, sailor or airman. The R.C.M.P. is a civilian force. For that reason and that reason alone, it has been possible to use it for many purposes for which a military force would be most unsuitable, including the preservation of order during strikes. If it is to be treated as a military force in this respect it should be turned into a military force, and it should be withdrawn from police work.

That expresses my sentiment. I have every respect for the R.C.M.P., and I do not wish my words to be understood as critical of the force at all. I am critical of the law which we are enacting as applied to the R.C.M.P.

Then, by way of congratulation to the commissioners, I wish to mention their statement with regard to magistrates.

Hon. Mr. Farris: I am sorry, I did not hear that. The statement is with regard to what?

Hon. Mr. Roebuck: Magistrates—a class of officials with whom my friend from Vancouver-South (Hon. Mr. Farris) and I have had something to do in the past. The commissioners say, beginning at the bottom of page 12 of their report:

Under the proposed procedure the special jurisdiction conferred upon magistrates will be exercised only by those who are expressly appointed for that purpose. The requirement that magistrates must be expressly appointed to exercise jurisdiction under the Part is inserted in the expectation that the provinces will designate only qualified persons. The following is the definition of "magistrate":

" 'magistrate' means a person appointed under the law of the province, by whatever title he may be designated, who is specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by this Part, but does not include two or more justices of the peace sitting together."

I may say, incidentally, that there is provision whereby the jurisdiction of the magistrate may be somewhat enlarged, but I am glad to note that this cannot be done without the consent of the accused. Under the new Code the magistrate may try offences that he could not try under the present Code, but he may do so only with the consent of the accused, so in this regard there is no trespass upon the ancient protections that have been thrown around an accused person. But now

that the jurisdiction of a magistrate is enlarged, the requirement that magistrates must be expressly appointed to exercise jurisdiction is a most salutary one. When I took office as Attorney General of Ontario I found a great many magistrates who had had no legal training whatever, each of whom sat in his little jurisdiction as a sort of Crown Prince of the locality, and was paid by fees. One of my first official acts was to fire a considerable number of them—I think it was 89—by one order in Council, divide the territory up into sections, and appoint one, two or three itinerary magistrates for every section. It was a most beneficial change, but I encountered considerable difficulty because of my determination not to appoint to the Bench any one who was not qualified for it. Although I had many battles over this question, during my term of office, I made no appointment of a magistrate who was not a lawyer.

Hon. Mr. Beaubien: Why?

Hon. Mr. Roebuck: Because the administration of law requires the knowledge of a lawyer.

Hon. Mr. Hugessen: Hear, hear.

Hon. Mr. Roebuck: While there are some laymen who by diligence and special aptitudes, and by opportunity, perhaps, know more about law than some lawyers, I think the general rule may be laid down—with which even laymen will agree—that the man who goes to college to learn law, and spends some years in the practice of it, is surely a specialist in law. And as we have an administration of law, certainly we want persons administering it who know what they are talking about, and to whom other lawyers may address their remarks with a certain amount of deference, knowing that the occupant of the Bench has gone through the same experiences and studies as they have themselves.

However, the Code does not require that only lawyers be appointed to such positions. I am only reminiscing when I tell you that when I had the responsibility and the authority I appointed nobody except lawyers to the Bench. I may add that my successors in office followed that example, and with very few exceptions—certainly not in the crowded centres—have magistrates been appointed who were not lawyers. In my opinion it is as necessary to have an informed magistrate as it is to have an informed judge. Indeed, I have always felt that the most important courts in Canada are not the appeal courts, which deal with civil cases involving millions of dollars, but the police courts, which deal in human lives. A decision from such a court may, on the one hand, be tragic; or on the other hand it may be beneficent. A magistrate's judgment may mean happiness or reform, or be great benefit to the public generally. Therefore, I think it is as important to have a trained magistrate as it is to have a trained judge of the County Court or of the Supreme Court.

My remarks, honourable senators, have been sketchy. This measure came into our hands only recently, and I am impressed with the thought that it should be studied clause by clause in one of our committees. Indeed, it is almost impossible to do otherwise. The measure is long and detailed; almost every section has a background; and we shall require the explanations of the Department of Justice and those who have been engaged in the drafting of the bill to inform us of the reasons for the changes. Only then will we appreciate what changes are proposed, and the reasons for them. It will consume a good deal of time to consider this measure step by step, but it will be worth while.

I recall that when the combined Code affecting the three armed forces was considered in this house it was referred—I think to the Banking and Commerce Committee—and a number of my fellow senators and I sat in consideration of it for some days. We made no less than eighty-three amendments to the draft bill, all of them with the consent of those persons who prepared it. That indicates that they were impressed by the logic of our approach to the subject. I think we can handle this bill in much the same way. True, it may not be necessary to make as many as eighty-three amendments, for I believe that many of the sections will be carried almost on the reading of them. Nevertheless, a great deal of care is required, for when this bill leaves the house with the sanction of the committee that has studied it, it will be received with respect in another place.

I am prepared, honourable senators, to vote for second reading of the bill, notwithstanding some difficulties which I and others have encountered in approaching it, and the lack of copies of the measure and the documents supporting it. The bill, I think, should receive second reading as soon as possible. In saying that I do not mean to cut off anybody else who wishes to speak; but let us give it second reading as soon as possible and devote ourselves to an inch-by-inch study of its provisions in committee.

Some Hon. Senators: Hear, hear.

Hon. Mr. Vien: Honourable senators, notwithstanding the diligent efforts that have been made to have an adequate number of copies of this measure placed in our hands today, we are now under the same disability as we were yesterday.

I agree with the suggestion of the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck), that the bill should not be delayed in going to committee. However, under the circumstances, I think the honourable leader of the government should give us some assurance that in having agreed to second reading we are not necessarily committed to the principle of the bill. With that provision, I do not object to the bill now being read a second time and referred to committee.

Hon. Mr. Roebuck: May I have the indulgence of the house to add a word? If we now give the bill second reading, Mr. Speaker will take note, and all honourable senators will observe, that we are doing so without sufficient knowledge of the measure, so that when it comes back to the house for third reading no rules will be pleaded against us to prevent a thorough discussion at that time.

Hon. Mr. Vien: That would apply not only to the bill in the third reading stage but also while it is in committee. The rule is that second reading having been given to a bill, it has been adopted in principle, and we should then address ourselves to it clause by clause. Assurance should be given that we will not be precluded in committee from discussing the principle of the bill.

Hon. Mr. Robertson: Honourable senators, I am entirely in agreement with what has been said as to the lack of facilities for the proper consideration of this bill on second reading, and I now give assurance that I shall do everything in my power to see that full opportunity is given for adequate consideration of the measure. This is a large and an important bill, and I realize how necessary it is that every opportunity should be given for the examination of it in committee, and for further and perhaps a more enlightened discussion of it on third reading.

Some honourable senators may recall that before the introduction of the bill there was some suggestion that we might follow the precedent established in 1914 when the Railway Act was considered, and that, in moving the bill to committee, I might extend to the other place an invitation to have some of its members join with us in considering the measure. I would have been embarrassed had that suggestion been pressed, for I do not think any particular benefit would have accrued; but after some discussion it was dropped. It would seem that our committee could proceed more rapidly with its work if it did not have to wait from time to time on the convenience of others. However, it is quite possible that members from the other place and other interested parties would appreciate the opportunity of knowing something of the background of the circumstances connected with the matters under discussion, and our records should be available to those who wish to see them.

I take it that the greater part of the bill will be adopted without much discussion, but on certain specific matters some debate is likely to arise. So not only would I not oppose reference to committee, but I would facilitate it and indeed urge it. By this course a considerable amount of information will be forthcoming which may be useful to members in the other place, particularly if, because of the pressure of other business, the bill comes before them late in the session. In this way we might turn the other cheek and set a good example, because sometimes bills are received by us late in the session and we have to deal with them without the benefit of any great amount of discussion in the other house.

Hon. A. Marcotte: I was of course, very much interested in the address of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I understand that by voting for the second reading we are not committed to the bill as it stands. It has been stated more than once in this chamber that our giving of second reading to a bill does not mean that we are obligated to adopt it until we have had more enlightenment on the subject-matter.

I should like to know whether the committee to whom the bill is to be referred will have the right to call people before it to give their opinions on these amendments? This is one of the most important measures with which we have ever had to deal. It is not a matter of conferring more or less ordinary powers; the bill deals with human rights and affects human liberties; under its provisions persons can be sent to jails, to reformatories, or otherwise dealt with. This morning I received a letter from a lawyer in Montreal who has long been interested in criminal justice. He said he thought that he and others who were like-minded should have the right to be heard. I ask that the committee shall have the power to send for people or to receive the views of those who want to appear before it.

Hon. Mr. Robertson: I doubt whether anything I say or refrain from saying will clothe the committee with more or less power than it now has. My understanding is that when legislation is referred to any of our standing committees, it is for that committee to decide whether it shall exercise any or all of the powers vested in it; and if it requires extra powers, the proper procedure, I suppose, would be to ask the Senate for

them. But it is my impression that the committee of its own volition can do what the honourable senator has suggested.

Hon. Mr. Vien: Those powers are given to all standing committees when they are created, at the beginning of the session.

Hon. Mr. Robertson: I think so. Certainly I would not seek to limit their powers by any statement of mine.

Hon. Mr. Vien: When the bill is sent to committee it will probably be desirable—though that is for the committee to determine—that a record be taken, in view of the fact that this measure was introduced in the Senate.

Hon. Mr. Hugessen: May I offer one observation on the discussion that has taken place? It seems to me that the only principle for which we are voting when we vote for the second reading of this bill is that the Criminal Code of Canada be recodified; and that leaves us completely free to discuss and suggest amendments of any one section. If that is the understanding, I do not see why any honourable member could have any objection to approving second reading at this time.

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

REFERRED TO COMMITTEE

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

Hon. Mr. Robertson: I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Roebuck: In that connection may I make a suggestion to the leader? There is no index in the bill. To be properly studied, it needs an index. I am sure that one must have been prepared. Am I right?

Hon. Mr. Hugessen: I think that for a bill of this kind it is not the practice to have an index when it is first introduced, but that when it is finally published an index is prepared in conjunction with it. I do not think an index is properly part of a bill when it is introduced.

Hon. Mr. Roebuck: No, I did not mean that. What I say is that we should be provided with an index in the committee when we are studying this bill. No doubt an index has been prepared. I know that it is not usually included in a bill, but there is no earthly reason why the officers could not produce one and give each of us a copy. My suggestion is that the leader intimate to them that we would like an index.

Hon. Mr. Robertson: It is my impression that the minister, whether publicly or privately, mentioned the preparation of an index, though it may not be the kind to which my honourable friend refers. I understand that the department is preparing a list of the sections which have been changed, and so on.

Hon. Mr. Haig: We have that now. I think the honourable senator from Inkerman (Hon. Mr. Hugessen) was correct. We already have, in the report of the commissioners, a table of the sections of the present Code and what has been done with them. My memory on these matters is that the indexes are never prepared until after the bills are passed by parliament. I think that was the case in connection with the Bankruptcy Act. It is quite possible that in committee we may accept the suggestion of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), and that would necessitate a change in the proposed definition in the bill before us. Further, the Senate may take action to strike out some clauses and to restore others that are in the present Code. I think we would run into trouble here with an index.

Hon. Mr. Robertson: Honourable senators, I hope to have this bill before our committee next Tuesday morning. If my honourable colleague from Toronto-Trinity (Hon. Mr. Roebuck) would give me a memorandum later this afternoon as to exactly what he has in mind, I shall refer it to the Minister of Justice.

The motion was agreed to.

INDUSTRIAL DEVELOPMENT BANK BILL

FIRST READING

Hon. Mr. Robertson presented Bill Y-8, an Act to amend the Industrial Development Bank Act.

The bill was read the first time.

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

Hon. Mr. Robertson: Monday next.

NATIONAL RAILWAYS AUDITORS BILL

ANSWER TO INQUIRIES

On the motion to adjourn:

Hon. Mr. Robertson: Honourable senators, on the motion to adjourn, may I answer three questions which were asked on the second reading of the National Railways Auditors