

Mackenzie King, initiated a program of unemployment insurance and family allowances, to be followed later by old age pensions and welfare schemes introduced by the present government, under the leadership of the present Prime Minister, the Right Honourable Louis S. St. Laurent.

The motivating force in effecting these measures is well known to the honourable members of this chamber. Its purpose was clearly stated by the present Prime Minister, prior to and during the introduction of these programs, in an expression of belief in the principle that all Canadians should share in Canada's prosperity. Through these we have achieved a more equal distribution of the country's wealth, materially improved the positions of low and middle income groups, which comprise the majority of the population, and established a floor under the purchasing power of all communities.

The initiation of these programs has attained a special significance in my province, Nova Scotia, where in 1933 the gross income from lumbering and fishing production, two of our major industries, did not exceed \$11 million, whereas a purchasing power of over \$38 million was created in the province during 1950-51 through the distribution of family allowances, old age pensions, unemployment insurance, veterans allowances, and health and welfare services. I could mention here the effect of provincial subsidies, but I did not include that because it is not really relevant to the point I am making.

For almost two decades Canada's progress has been spectacular. This has been achieved under the guidance of two great Canadians who, by their vision, leadership and tireless devotion to Canada, have made it first among the peoples of the world who value freedom, political stability and sound administration. National unity within our own borders, our proud place in the British Commonwealth of Nations and our unselfish approach to the problems confronting less fortunate countries are the elements which have brought us to our present position of pre-eminence and gained for us respect and admiration in the councils of the free nations of the world. The continuation of this leadership and the pursuit of the government's policies in promoting production at home and continuing stimulation of world trade will assure to both present and future generations a way of life and a standard of living unsurpassed in any part of the world.

Some Hon. Senators: Hear, hear.

Hon. Mr. Haig: Honourable senators, as a matter of general practice, I think the leader of the opposition adjourns the debate at this time. I exercise that prerogative, and move that the debate be adjourned.

The motion was agreed to, and the debate was adjourned.



CRIMINAL CODE BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill O, an Act respecting the Criminal Law.

He said: Honourable senators, I regret that while speaking to this bill last evening I unintentionally mislead the house in general, and my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck), in particular, in suggesting that my colleague the Minister of Justice would come to the Senate to explain this bill in detail today. Honourable senators will recall that a similar bill to amend the criminal law was introduced last session and was explained in detail by the minister. My honourable friend from Toronto-Trinity said that he would prefer to hear what the minister had to say on the details of the new bill before expressing himself. I had not discussed with the minister the question of his coming to this house, but had assumed from our conversations that he would be here. When I asked him today if he would be here, he indicated that he was quite willing to come, but felt that he would serve no useful purpose by doing so, because the bill now before us is substantially the same as the one presented last session.

It should be pointed out however, that this bill embodies certain recommendations made by the sub-committee of this house as well as some made by the legal profession and other bodies. The minister felt that the present measure should be treated as a general revision of the criminal law. That being so, he was making preparations to come before the appropriate committee of this house to explain the measure in detail and outline all the recommendation made, some of which are not incorporated in the measure before us.

I have felt, honourable senators, that I owed to the house this explanation of the procedure which the minister intends to follow, and under the circumstances, I would ask the house to be content with a brief explanation which I shall now attempt to give.

Honourable senators will recall that Bill H-8, a measure to revise the Criminal Code introduced last session, was referred to the Standing Committee on Banking and Commerce, which in turn referred it to a sub-committee. Because of the adjournment of parliament, the sub-committee was unable to complete its work and present its final report. It did, however, bring in an interim report recommending certain changes and suggesting certain clauses be stood over for discussion in the standing committee.

During the recess the bill has been studied by members of the legal profession in their associations as well as by others, and representations have been made with respect to some of the changes proposed by the sub-committee and certain other provisions of the bill. The government has accepted some of the changes recommended by our sub-committee and by the associations mentioned, and has incorporated them in the bill now before us. In view, however, of the divergence of opinion on other proposed changes, the government has felt that they should not be embodied in the bill to be introduced at this session, but should be deferred until there has been an opportunity to consider them in our committee. Both the changes recommended and accepted and those recommended but not accepted can be considered in detail when the bill goes before the Standing Committee on Banking and Commerce.

I hope that honourable senators will share the view that I have expressed. It should be borne in mind that even those recommendations from the sub-committee which are acceptable to the minister and to the government, were not actually considered by the main committee. In view of all the changes which have been proposed, the matter can, I am sure, be expedited by referring the bill to the Banking and Commerce Committee as soon as possible. I will do everything I can to facilitate progress in this regard.

Hon. A. W. Roebuck: Honourable senators, I must express disappointment that the Minister of Justice has not come to address us at this time, although I quite understand his reasons for not doing so. I thought that some purpose might be served by our listening to what the minister had to say, and by our taking him into our confidence in the matter of objections to the measure. The bill now presented to us contains a number of highly controversial sections, and I believe that some discussion of them at this time would have served a useful purpose.

The honourable senator from Toronto (Hon. Mr. Hayden) and I discussed the matter this morning. We agree that it is highly desirable that this bill go to the committee as soon as possible so that the work that we were doing at the adjournment of the last session may be resumed.

I would not be too sure of my figures, but I believe that some twenty-six of the suggestions made by the subcommittee and reported to the general committee have been incorporated in the text of the bill now before us. I have not yet had an opportunity to find out how accurately or how satisfactorily those changes have been made: that is still a matter for us to look into. I have also checked and found that, roughly, fifteen or so of our

recommendations have not been incorporated in the text. It might serve some purpose to go into these matters, but under the circumstances, particularly as the minister is not here, it might be better to refrain from debate at this time and to refer the matter at once to committee, where we can undertake the laborious job of going through the bill section by section and of preparing a report for the general committee and a report by the general committee to the house. So I shall have nothing more to say at this stage in connection with the matter.

Hon. John T. Haig: Honourable senators, I do not propose to delay the house, and I trust I shall not say anything which will cause a continuation of the debate, because I heartily agree with the honourable government leader (Hon. Mr. Robertson) and the honourable member for Toronto-Trinity (Hon. Mr. Roebuck) that the bill should go at once to committee.

At this time I particularly want to point out to honourable senators who are members of the committee, but not members of the legal profession, that it is their right and duty to take part in the discussion of the bill. All of the questions involved are not essentially legal at all; many of the important decisions in the administration of the criminal law are made by juries. When the previous bill was before the committee I was not as diligent in my attendance there as were the honourable senators from Toronto-Trinity (Hon. Mr. Roebuck), Toronto (Hon. Mr. Hayden), and Vancouver South (Hon. Mr. Farris). Not being a criminal lawyer—if I am a lawyer of any description—my point of view is more that of the non-legal man. My conclusion, after many hours of deliberation by the committee, is this: while I fully appreciate the work of the honourable senators I have mentioned, as well as that of the honourable member from Grandville (Hon. Mr. Bouffard), and their knowledge of both the essentials and the fine points of the criminal law, it is the duty of the non-legal members of the Banking and Commerce Committee to be present all the time when this bill is under consideration. The four distinguished lawyers I have referred to will readily and clearly put before their associates the significance of any section which is in question. But let me say to our non-legal members: The opinion of these legal gentlemen as to the contents of these sections is, in the final analysis, worth not a bit more than yours,—

Hon. Mr. Roebuck: Precisely.

Hon. Mr. Haig: —because we are dealing with the liberties of men and women. If the bill as amended is criticized in another

place, that criticism will fall primarily not upon these four lawyers, but upon the non-legal men and women of this house, and I would impress that upon them very emphatically.

One important feature of the bill—I speak subject to correction—is that, whereas formerly the common law of England applied in this country, by this bill all the criminal law of Canada is to be contained in the Code.

Hon. Mr. Roebuck: Only as to offences. After this Code has been adopted all the offences under the common law will be in the Code, but the law as to defences, procedure and so on will still be the common law of England.

Hon. Mr. Haig: But, as I understand it, the offences will be contained in the Code.

Hon. Mr. Roebuck: Offences—yes.

Hon. Mr. Haig: It is our duty to see to it that all offences are covered. Let me give one illustration of what I mean. Some of us who have been members of this house for a considerable time will remember that a few years ago the Attorney General of Ontario, and perhaps the Attorneys General of Nova Scotia, Quebec, and other provinces, recommended an amendment of the Code to provide that if two or more people went into a store for purposes of robbery, and one of them had a gun and in the course of the operation shot and killed some person, he should be deemed guilty of murder. I am not discussing whether such a provision is or is not a proper one, but the fact that the recommendation was adopted indicates the importance to all citizens of the content of our criminal law. For the most part, the provisions of the Code relate not to rights regarding money and other property, but to the very liberty and life of the subject.

In what I have said I am in no way reflecting on the legal profession. Lawyers, and especially the able professional men on our committee, wish to give Canadians the best law possible; but their very legal training may induce in them a one-sided or partial view. The commission which drafted the Code consisted almost without exception of Crown prosecutors and judges—and many trial judges are Crown prosecutors before they go on the Bench. It follows that the interests of the defence were but little represented on the commission. The onus is all the more clearly on this house to see that those interests are not ignored. I have never forgotten the statement which a Chief Justice of my province made when addressing a number of young lawyers. He said "I

would rather let nine guilty men be acquitted than have one innocent man hanged." The principle of that statement is both good law and good common sense. I do not like to see a guilty man or woman go free, but still less would I want to see an innocent man or woman convicted. It is our duty to defend the rights of the people of this country, to see that law and order are maintained and police forces respected, and to support government policy to that end. We want the criminal law to be properly administered, and we must see to it that the law is so framed that this shall be done.

For these reasons, I am wholly in favour of giving the bill second reading and sending it to committee; and such time as I can spare I will devote to helping the committee. But again I plead with our lay members to be present at the committee meetings.

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

REFERRED TO COMMITTEE

Hon. Mr. Robertson: Honourable senators, with leave I move that the bill be referred to the Standing Committee on Banking and Commerce.

The motion was agreed to.

FOOD AND DRUGS BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill J, an Act respecting food, drugs, cosmetics and therapeutic devices.

He said: Honourable senators, as I intimated yesterday, this bill is substantially the same as Bill E-11 which was given second reading and referred to a committee last June. The changes which have been made in the bill now before us are of a very minor nature, involving only one or two words. I would remind the house that Bill E-11 was introduced at the last session merely for the purpose of securing its distribution and making it available to interested parties throughout the country. It was not contemplated that the Senate would consider the bill in detail at that time, but it was hoped that it would be re-introduced at the present session.

The Department of National Health and Welfare has been advised that representations may be expected from certain groups interested in this legislation. As a matter of fact, the Canadian Manufacturers Association has already submitted to the minister a brief covering a number of points raised in Bill E-11 respecting food and cosmetics. It is not improbable that various other associations