

Mr. BERGERON. I would like to ask the Minister of Justice if he does not think it would be well to bring down a measure to meet the case of some members of the militia of Canada who, in their quality as military men, either colonel or major, receive some very slight pay from the government, and whose seats might be endangered in this House unless something was provided in the way this law provides.

Mr. FITZPATRICK. I have examined the case my hon. friend refers to, and I came to the conclusion that the disqualifying section of the Revised Statutes, chapter 11, does not apply to those gentlemen, and cannot be made applicable to them.

Amendment (Mr. Fitzpatrick) agreed to.

Bill reported, read the third time and passed.

#### CRIMINAL CODE 1892—AMENDMENT.

Rt. Hon. Sir WILFRID LAURIER (Prime Minister) moved that item No. 45 of Public Bills and Orders be now taken up.

Motion agreed to.

House in Committee on Bill (No. 66) to amend the Criminal Code, 1892, with respect to appeals from certain summary convictions.—Mr. Porter.

Mr. BUREAU moved :

That section 197 of the Criminal Code, 1902, be amended by adding thereto the words following :

Provided that a race-course of an incorporated association shall not be deemed to be a common betting house merely by reason of any betting thereon during the actual progress of a race meeting, or by reason of recording or registering such bets, or of anything done thereon as incidental thereto or connected therewith ; and nothing contained in clause 1 of section 197 of this Act shall be deemed to apply to any such betting or the recording, registering, depositing or the becoming custodian of any such bet.

I may say, Mr. Chairman, that the Criminal Code, section 204, in defining what a bet is, has a proviso excepting race tracks during actual race meetings. Section 197 defining what a betting house is, does not contain a similar exemption. The question has been raised in courts in Ontario, and it has been decided that, although the intention of the legislature was evidently to exempt betting going on at race-course meetings, that exemption does not actually appear in clause 197.

Mr. ALCORN. What the hon. member for Three Rivers (Mr. Bureau) says is no doubt correct. The courts of Ontario have had this point before them, and expressed the explicit opinion that a saving clause which the hon. member suggests should be added to section 197. No doubt that was the intention of the legislature in passing the

amendment to section 204. I think the words he suggests would meet the case.

Mr. STOCKTON. It seems to me that this is not very desirable legislation. If gambling is now illegal under the Code, is it desirable that this House should make gambling legal in certain directions and in certain localities ? That is the object of this amendment of the hon. member for Three Rivers (Mr. Bureau), if I understand his explanation. This House has already passed legislation with respect to gambling and betting. Now it appears that some persons feel it is desirable to have that legislation somewhat softened down in certain directions. Is it desirable in the public interest and in public morality to pass that legislation ? I think not.

Mr. MILLER. I quite agree with the member who has just sat down (Mr. Stockton). I think that we have in this country enough betting, gambling and gaming without endeavouring to promote it by any Act of this parliament. We have now gambling in stocks on Wall street and in that we have plenty of room for excitement, and all the vent we require for the gambling spirit without adding to the facilities for betting on horse races. I am thoroughly opposed to the legislation and hope that it will not carry.

Mr. CLARKE. I think the passing of this amendment by the House would be a very retrograde step. There are two provisions in the law as it now stands. One of these forbids betting houses and the other is in regard to the registration on bets on horse races. I happen to reside in a city where we have horse races, where there is a great deal of betting, and I can say that there is no greater curse to the community than this race track. The horse races are incidental ; the gambling and betting is the main issue. I know nothing that has ruined more young men in that vicinity than this very race track. It has been my experience to have to prosecute several young men who were in trusted positions, but who had squandered the money of their employers, all traceable to this race track. The object of this Bill is to permit betting on a regular race track. There is nothing to prevent that at the present time ; there is nothing in the present law to prevent people betting if they choose to on the horse races. The decision in the Ontario case in which I happened to be interested, was that although you can bet all you like and register bets you are not to set up a betting stand or booth. In order to evade the law, they brought up a few old plugs to the race track, horses that could run perhaps ten miles an hour in order to show that this was a bona fide race track. The real attraction was the betting inside on the races at Latonia, Nashville and several other places. I see