

stealing from the mails and so forth. I remember a few years ago when the former postmaster general, Mr. Mulock, was a member of the house. I brought to his attention a report issued in regard to the post office, which showed that only about one-eighth of one per cent of those officials, notwithstanding the tremendous volume of business which the post office carries on, did not carry out the law, and stole a few cents out of a letter.

Since the code was established the maximum had been three years, and no minimum was allowed to the magistrate at all. The sentence was automatic. The state did nothing to look after the wife and children of the person who was sentenced to jail. They were left to charity. The minister at that time brought in an amendment which received the support of the late minister of justice. There has been a conflict of decisions by magistrates on what the amended section meant. Some of them gave only thirty days in connection with a theft of a few cents from a letter.

The penalty of a year is altogether too long for a man who steals such a small amount. Out of \$15,500,000 which the department gets out of the Toronto post office, it is only a very small amount which comes from the department stores, as I said the other night. You have to think of the family as well. The state should look after the children and also the wife. Very few men are involved in this section. They are automatically liable to a sentence of a year in jail. The sentence should be thirty days or sixty days. There should not be a minimum any more than there is a maximum. Some discretion should be given to the magistrate. He hears all the evidence and has all the facts before him. Most of the sums involved are very small. I am sorry to see men who are employed in a great public utility such as the post office being treated in this way. They have a hard time. They go out in all kinds of weather, winter and summer. No section of the public service is more popular with the working classes than the men who work for the post office. I do not think it is right automatically to send a person down for a year.

It will be noticed that the change in the code does not name the place of confinement. These people have largely been confined in federal institutions instead of near their homes, and the women and children are left to suffer. I thought that at this session the minister would leave it to the discretion of the magistrate, make the minimum thirty to sixty days, and bring in a maximum of a year. Usually, in interference with the mails, small amounts of money are involved. I think the amend-

ment I suggested would be much better. It will help the public service more than a long term like a year, which is a very long time. A man may escape and get two more years added to it. The penalty goes a little too far.

I may say that, after a long fight in the House of Commons, the late postmaster general a few years ago did accept an amendment to the code to that effect.

Section agreed to.

Sections 11 and 12 agreed to.

On section 13—Defrauding the public.

Mr. SMITH (Calgary West): Will the minister explain this section?

Mr. ILSLEY: Sections 12, 13 and 14 are being enacted at the request of the province of Ontario. They are very important sections. In fact they were requested in the past, but it was felt that the abuse that they were directed to possibly did not justify the changes in the criminal law. But the conclusion has been arrived at that now they do. These sections will have to be taken as a group. Section 12 speaks for itself. Section 13 requires explanation.

Mr. SMITH (Calgary West): What does the minister think about the words "written or oral" in section 12? Will that not make it tremendously wide? Somebody will be made responsible for a remark that a taxi driver makes or anybody who is with him. Is that not pretty wide?

Mr. ILSLEY: It may be wide, but I do not think there is much wrong with it. I would draw the hon. gentleman's attention to the explanatory note, which reads:

This amendment arises out of a judgment in the case of Rex vs. Morgan and Dempsey, 1947 O.L.R. 805, in which it was held that if the statements referred to in the said section were made orally they did not constitute an offence thereunder.

Previously, it would appear, the prosecuting authorities were of the view that the section included oral fraudulent statements, but the courts decided against them and it is considered desirable to amend the section.

Mr. SMITH (Calgary West): Limiting it to these various officers would, I suppose, take care of what I had in mind.

Mr. ILSLEY: Section 13 requires some explanation. It was an essential ingredient of the offence that there be conspiracy. Now there does not need to be conspiracy. The conspiracy sections in the code, elsewhere provided, will, of course, take effect if there is conspiracy. Now there does not need to