

Then the honourable gentleman says that in the United States there are appeals in criminal cases; but surely we in Canada are not going to the United States to look for models for our criminal law. I think it is almost universally recognized that the criminal law in Canada is much better administered than the criminal law in the United States. The fact is that in the United States not one criminal out of ten who are arrested is punished. I do not think we desire to have such a condition of affairs here.

As the honourable gentleman who preceded me (Hon. Mr. Tessier) said, the passing of this Bill would involve a great deal of unnecessary litigation and the consumption of the time of judges who have already plenty to do.

There is this other point to be borne in mind. Under the present practice, there is an appeal to the Minister of Justice. That appeal is to be transferred from the Minister of Justice to the Attorney General of the province. I think that anyone who is anxious to have a case decided as it should be, upon sound principles, would rather go to the Minister of Justice than to the Attorney General of the province. I do not wish to say anything against the Attorneys General; they are a very respectable class of men; but the appellants who come before the Attorney General would very often be perhaps strong supporters of his—men who had worked for him at the previous election, and so on. That, it seems to me, is a feature of the case that should be considered. I think our criminal law is now well administered, and we had better leave it alone.

Hon. W. B. ROSS: Honourable gentlemen, I cannot help thinking that some honourable gentlemen are really losing sight of the prime object of this Bill. Let us take, for instance, one province that I know of, where there are seven judges. It is a notorious fact that if one judge tries a man in a particular place for a certain offence and another judge tries another man in another place for exactly the same offence, they do not appreciate the crime in the same way. One judge will give a sentence of three months, while another will give a sentence of four years in the penitentiary. The honourable member from Winnipeg, (Hon. Mr. McMeans) mentioned an incident that took place at a penitentiary. I think in Manitoba. When the commissioner called the prisoners together and asked them to state their grievances if they had any, this inequality of sentences was the

thing that was uppermost in their minds. They pointed out to him that some men were serving two years and others seven years for practically the same offence. This Bill was originally drafted in an attempt to meet that difficulty. It is perfectly true that the Department of Justice can hear an appeal. The Department of Justice really exercises the royal prerogative and may reduce a sentence. Let me say by the way, that I do not understand this cry from the judges that their dignity is being upset by this Bill. It was never upset when the Department of Justice reduced a sentence, and it was never upset in any civil case where their judgment was reversed on appeal. I cannot attach any value at all to that objection.

It is perfectly true that application can be made to the Department of Justice for the reduction of a sentence; but there is no way whereby the department can deal with a case in which the accused is let off with a sentence of 30 days, as is done in rare cases, which can be proven, where the judge does not sympathize with the law. You must remember that we have all kinds of statutes now. The law with reference to liquor is very severe. Then, the moral reform people come to us nearly every year with a raft of Bills to be passed into law. Some judges take the view that the law is rather a trifling matter, and such a judge would let the accused off with any sentence that he chooses to impose, a sentence of perhaps ten days or thirty days, while another judge who is affected with the moral reform hysteria or otherwise on the liquor question will inflict a sentence of four, five, or six years.

Let me say to the honourable member from Halifax (Hon. Mr. Power) that the Attorney General is not going to alter the sentence at all. All the Attorney General can do is to put the case in motion, and it is the full court, with all the facts before it, that will decide whether the sentence should be reduced or whether it should be increased. There is no reason to suppose that the full court in any province of Canada is not quite as competent to deal with such a case as is the Department of Justice. The Department of Justice, of course, could work only one way, that is, they could only reduce the sentence, but could not increase it.

Moreover, it is more convenient that in the western provinces—British Columbia, Alberta, Saskatchewan, and Manitoba—the parties should be able to go before their own local courts rather than have to travel