

Hon. Mr. McMEANS: May I explain to the honourable gentleman who has just taken his seat the object of making the Attorney General's assent necessary? The Attorney General prosecutes all cases. He has the duty of carrying out the criminal law in the province, and it is at the expense of the Government of which he is a member that all crimes are prosecuted. He employs Crown counsel, and it seemed to me that if the Crown counsel employed by the Attorney General himself would always have to make a report upon any application made to him, it would be possible in that way to guard against a number of appeals being made that were not necessary. I am quite willing, though, to accept the amendment that commends itself to the honourable gentleman. However, as I pointed out the other day, I do not think there will be one case out of fifty that will reach the court of appeal. The purpose is only to provide for that one case.

Hon. Mr. DAVID: What does the promoter of the Bill think of my objection to subsection 1? It provides "that application may be made to the court of appeal for that province for a revision of the sentence passed." When must that application be made?

Hon. Mr. McMEANS: I think that it would be better to let the matter stand as it is at the present time, because if a man has been serving a sentence in jail for a year, let us say, and has only a short time longer to serve, the Attorney General would have to take that into consideration. Or, circumstances may arise six months after a sentence was passed, of which there had been no knowledge a month after it was passed. I do not see any necessity for limiting the time. My honourable friend is perhaps under the misapprehension that every man that is charged with a criminal offence and found guilty is going to appeal. That is not the case. This provision is intended to meet exceptional cases. I do not see any necessity of limiting the time. If it appears to my honourable friend that it should be limited, I have no objection to limiting it.

Hon. Mr. LYNCH-STAUNTON: I move in amendment that in subsection 1 the words "Attorney General" be struck out and the words "a judge of the Court of Appeal" be substituted.

The amendment of Hon. Mr. Lynch-Staunton was agreed to, and subsection 1 as amended was agreed to.

Hon. Mr. BOSTOCK.

On paragraph b of subsection 2 of new section 1055A—diminution or increase of sentence:

Hon. Mr. LYNCH-STAUNTON: I move that the words "or increase," wherever they occur in subsection 2, be struck out.

Hon. Mr. WATSON: Honourable gentlemen, I think before that is adopted, we ought to hear from the promoter of this Bill. If I am not mistaken, one of the reasons why the Bill was introduced was because of an inadequate sentence having been imposed in a criminal case in Manitoba, where, I think, a young school-teacher was convicted of an offence against one of his pupils and received a sentence of some six months. It aroused the ire of a good many people. If I am not greatly mistaken, the object of the honourable gentleman from Winnipeg in introducing this measure was to meet just such a case, by providing that the sentence might be increased.

Hon. W. B. ROSS: Honourable gentlemen, I move in amendment to the amendment that the word "quash" be inserted before the word "diminish."

Hon. Mr. LYNCH-STAUNTON: That changes the whole Bill.

Hon. W. B. ROSS: It will read: "Quash, diminish, or increase punishment."

Hon. Mr. McMEANS: I think the amendment proposed by the honourable gentleman from Hamilton (Hon. Mr. Lynch-Staunton) would strike at the basic principle of the Bill. I know, for instance, of cases where a magistrate might be influenced by family connections, or by other considerations that we know naught of. I am glad to say that such cases do not occur very frequently; but, in the event of their occurring, what is there to prevent a magistrate if a man comes before him charged with robbery or anything of that kind, from letting him off on suspended sentence or with two days or a week in jail? Nothing whatever. If a magistrate or any man occupying a judicial position should so far forget himself as to commit an error of that kind, this Bill will permit of the error being rectified. The intention is not to increase punishment in the case of a man getting an ordinary sentence of six months or three months in jail. I know of a case where a man accused of robbing the mails was let off on suspended sentence by a trial judge although the judge had not the power to do so, and although the Attorney General of the province, who was represented