

*Criminal Code*

open up this section, which deals with murder and manslaughter, we should introduce a proviso leaving it to the jury to decide as to hit-and-run drivers, whether that is not a form of murder or manslaughter. It does not matter whether the child is killed by a pistol or a car; the child dies anyway and the parents have no redress. The driver gets away with it. I know the minister is very busy, but I was hopeful that he would introduce an amendment this session to punish what I consider the most cowardly form of murder or manslaughter by hit-and-run drivers.

Mr. ILSLEY: The penalties for hit-and-run drivers were increased in the criminal code amendments last year. Full consideration was given to that at that time. My hon. friend says it is murder. It is not murder; it is manslaughter, and the punishment is for that if there has been negligence, which in most cases there has been.

Mr. CHURCH: Whether the law covers it or not, it is the most cowardly form of murder. Section agreed to.

Sections 8 and 9 agreed to.

On section 10—Penalty.

Mr. DIEFENBAKER: This is the post office theft section. Originally it was subject to a minimum of three years.

Mr. ILSLEY: Yes.

Mr. DIEFENBAKER: Then the minimum was removed. We have had two years' experience with that. The minister now asks to have a minimum of one year for these offences of stealing from the mail.

Mr. ILSLEY: Yes.

Mr. DIEFENBAKER: From his experience, has the minister found that thefts from the mail have increased as a result of the deletion of the minimum sentence of three years?

Mr. ILSLEY: I have not the figures as to the increase or possible decrease of thefts from the mails, but the most ridiculous sentences are being imposed. I had the whole schedule before me the other night when I was going over these amendments to the criminal code. Some of them were as low as two hours, and others were eight days. Sentences of that kind are common. This experiment of removing the minimum was not a success. The Post Office Department has now come to the conclusion that they want the minimum restored, but not as high as three years. I think myself it might not have been a bad idea to leave the three years in the code. The trouble was, there was a case, or perhaps a few cases, where persons obviously and manifestly guilty were acquitted.

[Mr. Church.]

The Post Office Department said, "That won't do; take that minimum out." We took the minimum out, and we began to get these ridiculous sentences of a few days.

Mr. DIEFENBAKER: Is that not a pretty good argument for an appeal of these cases by the crown in order to secure a degree of uniformity across the country? When the minimum was removed the magistrates trying the cases had no standard basis upon which to operate. The minister mentioned a sentence of two hours. Was that case taken to the court of appeal?

Mr. ILSLEY: I do not know; I cannot give the hon. gentleman that information.

Mr. DIEFENBAKER: Somebody on behalf of the crown slipped up in not appealing a sentence that was so ridiculous as to shock the public conscience in a direction opposite to that which a sentence of three years for the theft of one letter had shocked it.

Mr. ILSLEY: I do not know that it does. When I went to law school I was taught that there was one thing which was a very serious crime, namely, theft from the mails. I think it is, whether it is one letter or ten letters, or whether it is money or whatever it is. As I say, I have doubts as to whether it was not a mistake to take that three-year minimum out, because the mails must be left alone. There is no doubt about that.

Mr. DIEFENBAKER: That is right.

Mr. ILSLEY: We tried taking it out, and it did not work. We got these sentences. My hon. friend says, "Appeal the sentences." People cannot be appealing all the time. You do not get any consistency in the appeals. The appeal courts may say what I am saying now. It is a serious matter. It does not mean that the courts which try the cases always do what the appeal court says. They will do it now.

Mr. SMITH (Calgary West): I know of one particular case in the part of the country from which I come. Over a period of time the postmistress pleaded guilty to six different offences from the mails and got a mild reprimand. She did not get any sentence at all. I am in favour of restoring some minimum so that our mails can be safe. I consider it wise to leave the three years in. Let us start with one year. A year from now some of us should be back here. If we find an experience similar to that which the department has had recently, then I for one will be here ready and anxious to increase the minimum.

Mr. CHURCH: I wish to call the minister's attention to section 10. I am referring to the part of it which deals with the post office,