

they are going out into the country to get men. I asked the minister the other day to look into this situation, which has been brought to the attention of some of the members from Toronto.

Hon. J. L. RALSTON (Minister of National Defence): I shall be very glad to do so at once.

TREACHERY ACT

PROVISION OF PENALTIES FOR GIVING ASSISTANCE TO THE ENEMY

Hon. J. L. ILSLEY (for the Minister of Justice) moved the second reading of Bill No. 73, respecting treachery.

Hon. R. B. HANSON (Leader of the Opposition): Is there to be no explanation of this bill, Mr. Speaker? It is one of the most important bills we have had before parliament. It deals with the liberties and life of the subject, and surely someone on the government benches will make some statement with regard to this measure on the motion for second reading.

Mr. ILSLEY: Mr. Speaker, although this bill stands in the name of the Minister of Justice perhaps it is appropriate that I should say a few words, since I was chairman of the committee which recommended this bill to the consideration of the house. Hon. gentlemen may remember that the hon. member for Parry Sound (Mr. Slaght), speaking in the debate on the proposal to set up a committee to review the defence of Canada regulations, advocated the establishment of the death penalty for treachery. Perhaps the word "treachery" was not used at that time, but the hon. member for Parry Sound brought very forcibly to the attention of the house what all of us knew and had considered to a greater or lesser extent, namely that in this particular war there is danger of immense damage being done by the activities of saboteurs, and what are called "fifth columnists", and traitors in every sense of the word. Damage of that kind was done in the small and neutral countries of Europe which were invaded by Germany; the way was thus paved for the rapid conquest of those countries; and it was felt that the committee which had been set up by parliament should give special and immediate attention to the question whether our own law was adequate to meet situations of the kind.

Therefore the first duty to which the committee addressed itself was the consideration of that question. We found that Great Britain had considered the same question, that the parliament of the United Kingdom had passed an act called the Treachery act, in

which there was an accurate and precise definition of the offences which should, in the opinion of that parliament, be regarded as so serious as to deserve the punishment of death. The committee gave its attention to the existing provisions of the law. The provisions which relate to acts of this sort are those of the criminal code relating to treasonable offences, those of the criminal code relating to mischief, the provisions of the Official Secrets Act, and the provisions of the defence of Canada regulations themselves. If hon. members have read the second report of the committee set up to consider and review the defence of Canada regulations they will find concisely—

Mr. HANSON (York-Sunbury): Is that the one dated June 20?

Mr. ILSLEY: No, July 2: they will find concisely there a statement or a reference to the previously-existing law, a brief analysis of the situation generally, and a brief statement of the reasons which led the committee to make the recommendations which they did.

The defence of Canada regulations are passed under the provisions of the War Measures Act, and the maximum punishment which can be inflicted under the War Measures Act is five years' imprisonment. Five years' imprisonment is not adequate to meet offences of the kind under consideration.

The provisions of the criminal code relating to treason are not sufficient to cover what we have in mind. To begin with, a person cannot be convicted of treason unless he owes allegiance to the crown. That does not mean that necessarily he must be a British subject, but he must have accepted or adopted in some way the protection of the crown so that he owes allegiance to the crown.

Mr. HANSON (York-Sunbury). It must be either natural or local, according to Brougham.

Mr. ILSLEY: It was the opinion of the committee, and I think it is the opinion of the legal profession, that persons who came here temporarily, clandestinely, with the idea of being here a short time—perhaps coming here from the United States, if such a thing might occur, with a view of doing damage by way of sabotage or otherwise and then returning to that country—could not be convicted of treason, because they would not come within the purview of the present sections of the criminal code. Besides, treason is not clearly defined in the code. It permits of a great deal of argument as to what is and what is not treason. Further, there is a