

(b) a post letter from a post bag or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail, or

(c) a post letter containing any chattel, money or valuable securities; or

(d) any chattel, money or valuable security from or out of a post letter.

I am quite willing to admit that special care must be used in protecting the mails against theft. But to do so it is not necessary to "go off the deep end" and talk about sending people to prison for life for a theft of this kind, which would be trifling were it not theft from the mails.

There is another provision to which I object even more than to the penalty provision, I object, because no common-sense judge would go so far as to sentence an offender for life. Hitherto it has been the rule to allow magistrates and judges to use discretion in punishing thefts from the post. Similar discretion is permitted them in cases of theft from private individuals. Many circumstances are connected with every transaction, legal or otherwise, and often a person is charged and convicted of theft from the post when the transaction was trivial, was not regarded as serious at the time by the individual himself, or there were other extenuating circumstances over which the imagination might run riot. So time and time again judges who have had a prisoner before them have felt that the offender should not be sent to jail because, though his hand or his foot may have slipped on the particular occasion, he was not a criminal. But I am told in the Department of Justice that this new amendment is for the very purpose of preventing judges and magistrates from using their discretion. So one finds, in 365A:

Section one thousand and eighty-one does not apply where a person is convicted of an offence under section three hundred and sixty-four or three hundred and sixty-five.

That is, stealing from a postman or somebody employed in the business, or from a bag, or something of the kind. The provisions of the Code which permit the magistrate or judge to give suspended sentence are made inapplicable to offences connected with the post office. So the judge or the jury will face the fact that if an accused is convicted, no matter what weight may be attached to the surrounding circumstances, he must be committed to jail for not less than six months.

Since time immemorial parliaments have enacted legislation which has been outrageously cruel because they have not had the victims before them. They have viewed these things impersonally, and it has not been until these cruel measures have actually come before the courts where the victims, their

wives and their children have been present, and all the circumstances have been disclosed, that the common sense of twelve good men and true has caused them to refuse to carry out the parliamentary dictates. That will be the case in this very instance. I sat in court many times as a young man. I remember one judge who was very generous indeed in handing out five, seven and ten year sentences, and I saw juries draw back and refused to put prisoners in his hands, and bring in acquittals when they were unjustified on any other ground than the attitude of the judge. I have seen excessive sentences in a court moderated by the reluctance of juries to convict as charged. That is one of the wonderful attributes of juries.

Here we are asked to do the very same thing that other parliaments have done; not to the excessive degree that one can find in history, but along the same line of withdrawing from the judge the right to exercise the milk of human kindness. It is taking away consideration and common sense, and providing that technically when a man is guilty he must be sent to jail for six months. Am I not right when I say that this bill has not been given the consideration it deserves? Can anyone say that it has undergone the public discussion that should be given to all important measures? It is absolutely wrong to bring this kind of legislation to us in the dying days of a session.

I refer now to page 15 of the bill, and I read the following under the heading of "Acts Prejudicial to Security".

509A. (1) Every one who does a prohibited act for a purpose prejudicial to

(a) the safety or interests of Canada;

What are the interests of Canada? Are they the interests of sections of Canada, all the people of Canada, or the Government of Canada? I do not know; possibly they are all those things. The section goes on:

(b) the safety or security of the naval, army or air forces of any State other than Canada that are lawfully present in Canada—

There are two things mentioned in the section: the interests of Canada and the interests of the armed forces of Canada or of the armed forces of any State in Canada lawfully.

—is guilty of an indictable offence and liable to imprisonment for ten years.

What is a prohibited act which is prejudicial to the interests of Canada? The definition given in subsection 2 of this section is as follows:

(2) In this section 'prohibited act' means any act or omission that—

Note that it even includes omissions.

(a) impairs the efficiency or impedes the working of any vessel—