

*Treachery Act*

Mr. DUPUIS (Translation): Mr. Speaker, as I just said in English, I am a member of the committee which was appointed to consider legislation connected with the war and which, as the Minister of Finance (Mr. Hsley) has so well explained, brought in a bill respecting treachery, which it called "The Treachery Act," in order to distinguish it from the chapter of the Criminal Code respecting treason.

I intend when the bill is considered in committee to suggest to hon. members the advisability of amending the short title by adding thereto "1940," as in the British act which is entitled "The Treachery Act, 1940."

What is the object of this bill? What led the members of the committee to draft it? The general public, and many lawyers as well, may wonder why it is necessary to enact a law respecting treachery when there already is one in the Criminal Code. The answer is that the legislation respecting treason found in the Criminal Code applies only to British subjects. Under its provisions, any British subject who commits any crime therein defined against his majesty, against the person of the king, the queen or a member of the royal family, or against the king's property, is liable to be convicted of treason. But what action could the courts take in the case of a person who is not a British subject and who came to Canada solely to commit acts of sabotage? There is a deficiency there, and it is in order to make up for this deficiency in the law that we have recommended the bill now before the house—the Treachery Act, 1940, intended to meet the case of the enemy alien who commits a crime covered by sections 3 and 4.

Section 3 reads as follows:

Notwithstanding anything contained in any other act, regulation or law, if, with intent to help the enemy, any person does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy, to impede like operations of His Majesty's forces, or to endanger life, he shall be guilty of an indictable offence and shall on conviction suffer death.

As previous speakers have pointed out in English, the committee discussed at length the question of whether the words used should be "shall be liable to suffer death" or, as in the British act, "shall suffer death." We chose the harsher method.

Section 4 reads as follows:

If with intent to assist the enemy any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of Canada, or the efficient prosecution of the war, then, without prejudice to the law relating to treason or the provisions of section three of

[Mr. MacNicol.]

this act, he shall be guilty of an indictable offence and shall on conviction be liable to imprisonment for life.

Those two sections, as I have just pointed out, will apply to enemy aliens. Should a German or an Italian residing in the United States, clandestinely cross into Canada at some point of the immense boundary line left unprotected because of the bonds of friendship which unite us to our southern neighbour, and commit an act of sabotage in Canada, he would in the event of being apprehended by Canadian justice suffer one of the two penalties provided by sections 3 and 4.

The bill before us authorizes recourse to rigorous measures. For instance, a man arrested in Halifax may be tried in Vancouver. It is well to understand why the committee recommends such a thing. The general rule under the Criminal Code is that the trial should take place in the district where the alleged crime was committed. Changes of venue are granted only when the interests of justice demand them. We have, however, decided by subsection 3 of section 7 that the trial can take place anywhere in Canada.

Supposing—which God forbid—that Canada were invaded. A person having committed in Halifax a crime covered by this bill and having been arrested by the Royal Canadian Mounted Police could not be tried in Halifax if eastern Canada were under enemy occupation. We would then have the right, under this subsection, to hold the trial at any point in Canada not occupied by the enemy.

I come now to section 8 which prohibits bail. I am one of the majority of the committee who favoured this provision. Having observed the subversive methods used by the enemy since the outbreak of the war, his violation of his pledged word and the things he did in Europe, I feel that we in Canada should take all means necessary to prevent acts of sabotage likely to hinder the successful conduct of the war and that there should be no indulgence for those who commit such acts.

Mr. GAUTHIER: Hear, hear.

Mr. DUPUIS: We have decided, therefore, that no application for bail would be allowed in such a case.

Section 9, which we have adopted, provides a further drastic measure. It empowers the police to enter and search any premises. In peace time, I cherish, as do all other freedom loving citizens, this liberty for the sake of which we are presently at war; for, as everyone knows, we are fighting for an ideal, for a principle. The present war is one of conflicting principles, principles which, on the