

In England there is what is called a Court of Criminal Appeal. It was instituted only a short time ago and it is giving entire satisfaction to the people of England. There the Court of Appeal has very extensive powers. It may not only re-try the case and alter the sentence, but it may also make any order that it thinks justified in the circumstances.

In a great many of the United States—in every state so far as I know—there is a board that revises criminal sentences and has the power to rectify any error that may have occurred.

I believe that this Bill does not go far enough. I think that in Canada we should have a Court of Appeal in criminal matters just as there is in England. Only the day before yesterday I had some business with the Justice Department and was speaking to the gentleman who looks after the system known as the ticket-of-leave, whereby a prisoner may be released from the penitentiary and is required to report to the police. This official told me of a case that had occurred in the adjoining county of Renfrew. A returned soldier stole a case of whiskey. That may be a serious crime. Some honourable members of this House who are prohibitionists might consider it was a good act, removing temptations from the individual. On the other hand, those accustomed to keeping a little in their cellar might look upon that as a very grievous offence. However, in this particular instance, the returned soldier was tried by a magistrate and sentenced to five years in the penitentiary. I need not ask the members of this honourable body whether or not a sentence of five years for a returned soldier who had stolen a case of whiskey was justified. In my opinion it was not. But here is the difficulty: there is no way of correcting that sentence if it is erroneous or too severe. Our code does not permit of the revision of the sentence. It may be said that the Minister of Justice might allow this man to be released on ticket-of-leave; but even so, he would still have that five-year sentence hanging over him.

There are glaring cases of injustice occurring from day to day, and it is largely because of the fact that in the Western Provinces at any rate—I cannot say as to the Eastern—men do not need to be members of the bar, or to have any legal training, in order to be appointed by the Local Government to the office of police magistrate. Very often the magistrates, from lack of experience or some other cause, make

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very serious mistakes in imposing criminal sentences.

I am asking by this little Bill that with the consent of a judge of the Court of Appeal any erroneous sentences may be revised. I might discuss this matter at much greater length, but as the Bill has already been so thoroughly considered in this House, it is unnecessary for me to do so. I am endeavouring to have the Bill passed at an early date in order that it may reach the House of Commons and be fully discussed there, and that a law may be enacted which will provide some remedy in the cases of injustice that arise so frequently in the administration of criminal law.

The Hon. the SPEAKER: The Bill has not yet been printed. Therefore we cannot proceed with the second reading to-day, and it must be deferred until Tuesday next.

The motion for the second reading was postponed.

The Senate adjourned until Tuesday, March 9, at 3 p.m.

THE SENATE.

Ottawa, March 9, 1920.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

MESSAGE OF HIS MAJESTY THE KING.

THE SENATE'S ACKNOWLEDGMENT.

The Hon. the SPEAKER laid before the Senate the following correspondence:

SPEAKER'S CHAMBERS,
OTTAWA, March 4, 1920.

Your Excellency:—

The Senate of Canada has instructed me to submit to His Majesty the King its most grateful acknowledgment of His Majesty's gracious greetings on the occasion of the opening of the new Parliament Buildings.

This Chamber deeply appreciates the interest of His Majesty's family in the Parliament Buildings at Ottawa since a time prior to Confederation, as shown by the selection of the site by Her Majesty Queen Victoria, the laying of the corner stone of the original buildings by King Edward, the corner stone of the present structure by the Duke of Connaught, as well as that of the Main or Peace Tower last year by His Majesty's gallant son, the Prince of Wales.

I have the honour to be, Your Excellency,

Your most obedient humble servant,

JOSEPH BOLDUC,

Speaker of the Senate of Canada.

His Excellency the Governor General of Canada, Ottawa.