

present time, for the serving of time at hard labour. That is an objection which was suggested to the mayor of Toronto. There are other inconvenient features, but the matter is now actively under consideration. In the meantime another suggestion within the powers of other authorities was made for the purpose of remedying the deficiencies which are so apparent in the Don gaol.

On more than one occasion the hon. member for Broadview (Mr. Church) has indicated his great concern over the number of serious or fatal highway accidents owing to motor traffic throughout Canada. I have obtained for him some statistical information, but I did not expect to have the matter discussed here to-day, and I note that the hon. member said he would refer to the matter and ask for the information when the estimates of the Department of Justice were being considered. In respect of the appeal to the superior courts of Quebec from summary convictions the hon. member suggested that we may have too many high court judges in Quebec. On that point I shall be able to show the hon. member the per capita cost for the indemnification of judges in each province; and he will find that, since there are no county courts in Quebec to which federal judges are appointed, the per capita cost for the indemnification of judges there is rather lower than elsewhere. I can also assure the hon. gentleman that the recommendations made by the chief constables' association with respect to the administration of the criminal code are always received very gratefully and considered very carefully, because it is realized that they, with the officers of my department, have a common concern in maintaining peace, order and good government in the country.

There remains the question submitted by the hon. member for York-Sunbury (Mr. Hanson) as to the reasons for the change in attitude on the part of the Post Office Department with respect to the severity of sentences provided by the criminal code. Of course the hon. member is quite right in thinking that the Department of Justice would not have suggested this change if it had not originated with the Post Office Department or at least been concurred in by the officers of that department. Since the beginning of the war the situation that has arisen in the operation of the post office is rather different from that which existed prior to the war. Before the war the work of the Post Office Department was generally done by permanent employees. Since the war started it has not been possible to select and enrol a sufficient number of permanent employees to do all the work that had

to be done, and temporary employees have been taken on; married women, minors and others who did not have the training or experience of the normal permanent staff of the Post Office Department. That created a new situation. You went before the court with some incident attributable to one of these temporary employees and charged that person with an offence which carried a minimum penitentiary sentence of three years and a maximum sentence of life. When you asked the jury to convict, the jury would say, "That person has not done anything deserving of a sentence of three years in the penitentiary as a minimum or life as a maximum. He may have gone through the motions, but parliament did not intend the sort of thing he has done to be the crime for which a minimum of three years or a maximum of life is provided." The result was that it became very difficult to obtain convictions.

The question has arisen as to whether there could be a suspended sentence. I think both the hon. member for Essex East (Mr. Martin) and the hon. member for York-Sunbury are entirely correct. Legally there could be a suspended sentence, as section 1081 provides, if counsel representing the crown consented; but most frequently counsel representing the crown took the attitude that, parliament having provided a minimum of three years, it was not within his right to consent to anything less than three years' imprisonment. In most cases counsel representing the crown would say, "I have no right to give my consent," and without that consent the court could not suspend sentence. It may have happened in certain cases that counsel for the crown took a different view, and would say, "Well, here I have the choice between not getting a conviction and getting a conviction on the understanding that I will agree that this man will not go to a penitentiary for three years."

Mr. MARTIN: That was the occurrence in the case about which I spoke.

Mr. ST. LAURENT: That may have happened, in exceptional cases; but the general attitude of crown counsel was that, parliament having said that the minimum punishment would be three years, they had no power to agree to suspended sentence.

Mr. HANSON (York-Sunbury): I think the magistrate took that view himself, in the case to which I refer.

Mr. ST. LAURENT: I suppose the magistrate would probably say to counsel, "It does not seem proper that you should give consent, when parliament has stated that the minimum