

HON. MR. ABBOTT—The offence which is provided for in the 5th clause is the taking out, the destroying or obliterating Her Majesty's mark on public stores—that is to say, the offence which is committed by a party in the act of taking away or preparing to take away Government stores. The offence described in section 6 is the offence of receiving such stores without lawful authority, and, I think, as a general rule the punishment of the receiver is less severe than the punishment of the thief. The distinction between felony and misdemeanor is gradually fading away. There is scarcely any difference in the crimes provided for in these two clause except as to the amount of punishment. I am afraid that to touch the edifice of the criminal law would bring down upon us many dangers and difficulties, and perhaps it would be as well to preserve the phraseology as it is as it will not change the punishment and moreover the clauses are framed after the law as it exists in England.

HON. MR. ALLAN—The simple explanation is one paragraph refers to the receiver and the other to the thief.

HON. MR. POWER—It does not seem to me where, as under the 5th clause, the penalty is limited to imprisonment for less than two years, that the crime should be called a felony. Felony formerly was an offence involving the loss of the criminal's life and forfeiture of his goods.

HON. MR. ABBOTT—I see very well the distinction, but my hon. friend proposes to reform the nomenclature of those two crimes. As I remarked before it is a dangerous procedure to undertake to recast the criminal law. It is a subject not familiar to all of us, and I should not like very much to interfere with it, more especially as it does not seem possible that the clauses can cause any injury or difficulty in the form in which they stand in this bill.

The clause was agreed to.

On the 13th clause,

HON. MR. POWER—I should like to call the attention of the Minister to the fact that the clause which was the 13th section in the existing law, has been omitted in this Bill. I can conceive that it cannot be re-enacted exactly in its present form, inasmuch as the Bill before us applies to the property of the Dominion as well as the property of the Imperial Government; but it has occurred to me that there must be some reason why a provision like that in the existing law has not been inserted. Section 13, of Cap. 170 of the Revised Statute, for which this Bill is proposed to be a substitute, says:—“No person other than the officer commanding the naval or military forces in Canada, or some person acting under his authority, shall institute or carry on under this Act any prosecution or proceeding for any offence against it.” If there was a good reason for that enactment then there should have been a good reason for not incorporating something like it in this bill and extending it to the Government of Canada.

HON. MR. ABBOTT—My attention was not called to the omission of that clause, but I think I can suggest the reason why it was left out. I do not think it should be in the Act as it stands because, by a recent Act, provision has been made for the prosecution of offences involving such penalties, and for that reason in this bill, and in some other bills before this, the clause respecting the collection of penalties has been left out. I understood from the Minister of Justice who is the authority for it, that in the very last session of Parliament, an Act was passed providing for the prosecution of those offences and the collection of those penalties.

The clause was agreed to.

HON. MR. DEBOUCHERVILLE from the Committee reported the Bill without amendment.

The Bill was then read the third time and passed.