confession and could not understand why he had confessed to the murder when for two weeks before and two weeks after the date in question he had been two hundred miles away. This was brought to the attention of the attorney general of Saskatchewan and the accused man was released, even in the face of his confession. Later another man was arrested and confessed, but by reason of his suffering from insanity at the time of the commission of the offence he was sent to the North Battleford mental institution where he remained for some ten years. Some weeks ago he was found fit to stand trial but was found not guilty because during the interval the star witnesses for the crown had disappeared or were not available. That indicates the danger of confessions extracted from accused persons.

The minister may say that we have rules. True enough, general rules have been adduced from a variety of cases, but we have not the uniformity of rules that they have in the United Kingdom, where in 1912 Lord Alverstone and a committee of judges enunciated rules which must be followed by police officers all over the United Kingdom before proceeding to interrogate persons against whom there is a suspicion of guilt. Whether he can incorporate it in the criminal code or not, I think the minister would be making a splendid contribution to uniformity by having judges in various parts of the country join together and arrive at certain fundamental conclusions as to admissibility of statements so that there will be uniformity in practice.

You cannot maintain respect for the law when one court determines that a person shall die for murder and another court determines that because a person happens to appeal he is not guilty of the offence charged because wrongful evidence was admitted. I mentioned the case in Saskatchewan because it is an authenticated case which indicates that persons do confess under interrogation regardless of whether or not they are guilty. You may ask why that man confessed. The reason given was that he was in Portage la Prairie and thought it would be a way to get to Macoun, where he had lived, without having to pay any fare. He not only got back; he had to remain in gaol for a period of time, and but for gratuitous circumstances he would in the ordinary run of events have been executed for that murder.

My second suggestion is that uniformity should be established on another ground: when men are convicted of murder and their convictions are quashed on appeal, respect for the administration of justice is undermined. It is difficult for the average laymen to understand how such things can happen. The fact that death would have followed in the cases to which I have referred but for the court of appeal indicates the necessity of proper rules being established.

There is the other side of the question. Guilty men should not be permitted to escape because of mistakes made by police officers because of the fact that no police officer in this country, no matter how well versed he may be in criminal law, can state with certainty what the law is and what course he should follow before a statement which he secures will be admissible.

There is one other matter in connection with which I had hoped there would be an amendment to the criminal code. May I say that since becoming Minister of Justice the minister has been moving forward in making these amendments with commendable speed—one does not expect him to do everything within a few months of becoming the custodian of the king's conscience in our country. I had hoped that the minister would remove the sections dealing with the alternative penalty of imprisonment which today is levied on those convicted of minor offences and who, when they are unable to pay the money penalty, must go to gaol. It happens frequently that men come before the courts charged with petty offences such as being drunk and disorderly, and a fine of $5 or $10 is imposed with an alternative of 30 days in gaol.

Mr. LESAGE: It is always the same men who are accused of drunkenness.

Mr. DIEFENBAKER: I do not understand what my hon. friend means by that. It is a fact none the less that when a penalty by way of fine with the alternative of imprisonment is imposed for a petty offence or petty acts of mischief, the inability to pay should not be a passport to a penal institution. I have referred before to its having been abolished in the United Kingdom. There the right to imprison as an alternative rests with the magistrate, who imposes the alternative of imprisonment when and if he ascertains after examination that the man is in fact able to pay the monetary penalty.

It is true enough that today many magistrates extend the time contrary to the provisions, and they are sometimes criticized by provincial attorneys general for following that course. I suggest that the minister give consideration to removing those sections which provide for the alternative of gaol under the circumstances that I have mentioned. The stigma of gaol stays with a man throughout his life. No matter what he does he is always faced with that circumstance, that some place, somehow, he served time.