

might consider the advisability of adding to the memorial the names of members' sons who sacrificed their lives in this war.

The motion was agreed to.

#### POLLUTION OF NAVIGABLE WATERS BILL.

##### THIRD READING.

Bill B, an Act respecting the Pollution of Navigable Waters.—Hon. Mr. Belcourt.

#### DIVORCE BILLS.

##### SECOND READINGS.

Bill J 2, an Act for the relief of Martha Campbell.—Hon. Mr. Ratz.

Bill K 2, an Act for the relief of Rosa Hirst.—Hon. Mr. Pringle.

#### REVISION OF PUNISHMENTS BILL.

##### FURTHER DISCUSSION.

Hon. Mr. McMEANS moved that the Senate go into Committee on Bill C, an Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate punishments.

Hon. Mr. TESSIER: I would like to know what is the position of the Department of Justice with regard to this Bill. I have spoken to several of our judges about it, and they are absolutely against it. They regard it as a departure from the principles which have been followed in Canada for a great many years. It makes provision for revising all the sentences rendered in this country in criminal cases. The right to sentence has always been left to the discretion of our judges, and I do not think it is a good principle to give the right to change sentences to judges who never saw the accused, or the witness, or the jury. These judges are not in as good a position to render a just decision as was the judge who tried the case in the first instance. Some of the magistrates to whom I have spoken about this Bill said they thought it was really an attack on their position as judges, saying that we have no confidence in their discretion to render proper sentences. They think that it would tend to diminish the authority of the judges in the first instance, and that it is an attack upon their independence, because if a judge feels that the Attorney General of the province can revise a sentence that he is going to pronounce he will feel that he has lost the independence which he has always had. I certainly will not vote for this Bill; I think it contains a bad principle and should not be adopted.

Hon. Sir JAMES LOUGHEED: When this Bill came up for a second reading I, as representing the Government, stated to the House the fact that the Department of Justice was not in sympathy with the principle of the Bill. However, it does not necessarily follow that the House must be in harmony with the opinion of the Department of Justice on any question. I expressed myself as opposed to the Bill. If my honourable friend had been present on that occasion, and had made the remarks which he has made to-day, I have no doubt that the Bill would not have had a second reading; but, inasmuch as the House has committed itself to the principle of the Bill, the objections of my honourable friend, I fear, are rather belated.

Furthermore, it will be remembered that this House passed this Bill last session, and, if I remember correctly, it was sent down to the Commons. I suppose the House, notwithstanding the opinions which were expressed in opposition to the Bill, desires to be somewhat consistent and to deal with the Bill this session similarly to the way in which it dealt with it last session. I would say to my honourable friend that the remarks which he has made to-day are somewhat along the line of the opinion which I expressed when the Bill came up for our consideration, but as we have approved of the principle of the Bill there is no reason why we should not go into committee upon it.

Hon. Mr. CASGRAIN: Like my honourable friend (Hon. Mr. Tessier), I have been asked by some judges to say that they are opposed to this Bill. They claim that it would be subversive of all the principles of justice, because a judge, seeing a criminal, may impose upon him the full penalty of the law because he may have been a nuisance in that particular community for years. He may be a clever scoundrel who has evaded justice, but properly deserves a long term in the penitentiary, but who, owing to the cleverness of his lawyer, or his own ability, has always escaped his deserts. Finally he comes before a judge. The whole community is satisfied that this man should have been arrested long before, but the proof of his offences has been difficult to make. Under these circumstances the judge gives him the full punishment that he is entitled to receive for the offence which he has committed; he shows no leniency. And it is only the judge in the first instance who can be familiar with all the facts. The Court of Appeal cannot transport itself to the place where the man