

*Criminal Code*

namely, what shall be done with regard to the word "theft" in the criminal code and those employed by the Post Office—that great public utility that is operating in a most splendid manner for the people of Canada—and are charged with theft of letters. During the debate on the postmaster general's estimates last year I raised the same question, and he was kind enough to say he would deal with this question, when I raised it for the twentieth time. After conferring with the Minister of Justice and Attorney General of Canada (Mr. St. Laurent) he brought in an amendment which I think will commend itself to all fair-minded people in this country. I appreciate what these great workers of all classes in the Post Office have been doing under an intolerable condition in winter and summer at low wages. Less than one-eighth of one per cent have failed thus in their duty, and juries failed often to convict when they knew the minimum penalty was three years. That minimum of three years is now eliminated.

When I was chairman of the board of police commissioners of Toronto I had complaints from magistrates, county court judges, high court judges and others regarding appeals in connection with those two sections. I believe in giving a magistrate, a judicial officer, the power to deal with them each as a special case, and allowing a minimum. It is a great improvement to do away altogether with the minimum three years.

Section 3 of this bill amends section 365 and increases the penalty from two to seven years. No doubt that is a wise proviso, but I think there should be some further investigation with regard to section 4 of the bill. This section deals with appeals from summary convictions in Quebec. A question arises as to whether or not there are too many judges in the province of Quebec and whether there are judges styled high court judges who are doing county court judges' work and getting the larger salaries and disbursements, and differently styled from judges in other provinces.

I have brought this matter up before. The organization of our courts is provincial. I contend that the amendment contained in section 4 of the bill may conflict with sections of the Judges Act. In amending the criminal code thus the house must read with it the Judges Act. The contention has been raised that there are certain judges in the two courts mentioned here, the Court of King's Bench crown side, and the superior court, who are doing work that in the other provinces is done by the county court judge.

My last objection to the bill is based on the fact that the principle of criminal code general amendments is also involved. It is bound

up with the whole criminal code. It is very difficult to raise these matters in the house. You cannot deal with it when the minister's estimates are up. For many years I have had a bill on the order paper to amend the Judges Act. It deals with judges serving on commissions, and following privy council decisions. It should be considered in the proposed code amendments. I have had this bill up for some years but have not been able to get any consideration in war time. I point out that the various bar associations have also been making a number of recommendations to the present minister. I understand that this is his third year in office. He is a man who has a great reputation at the bar and is very much respected by the bar association of the country. I hope he will take up those other recommendations of the bar and include them in this measure. There are also many recommendations from the chief constables' association of Canada. That is a very important body. In war time every department of this government has increased its police duties, and they get nothing for it. This work has been forced on the municipalities and on the police systems of the country. For a number of years the chief constables' association has been making recommendations in connection with the administration of federal laws and the criminal code.

For some time I have been asking when an opportunity will be afforded to discuss the great number of people who are killed by motor cars. The sections of the code dealing with these matters should be brought up to date and a check made of this road slaughter. More lives are being lost and injuries caused through motor cars than the casualties in the last great war. The minister wrote me a letter saying the matter could be discussed on item No. 88 in his estimates, and that is what I propose to do, but little chance is afforded. As I said yesterday in connection with another bill, the minister should have added another section to the bill now under discussion which would permit charges of criminal negligence to be brought in such cases as the motor boat fatality at Port Stanley, in which seventeen people were drowned, and the recent fire in a Hamilton theatre, in which several lives were lost. I do hope the attorney general will consider that those guilty of offences in this regard be charged with criminal negligence by new clauses in the act. Further, I believe he should appoint a committee to bring the code up to date; a consolidation has long been overdue. As I have been saying for many years, the criminal code should be consolidated and revised. Many sections are

[Mr. Church.]