

## DEPARTMENT OF HEALTH BILL.

## THIRD READING.

Bill 37, an Act respecting the Department of Health.—Hon. Sir James Lougheed.

## REVISION OF PUNISHMENTS BILL.

## CONSIDERED IN COMMITTEE.

On motion of Hon. Mr. McMeans, the Senate went 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. Blain in the Chair.

Hon. Mr. TESSIER: When this Bill was discussed at the last sitting of the House, I asked if a report would be made on it by the Minister of Justice, and I understood that the discussion was adjourned so that we might obtain such a report. I would like to know from the honourable leader of the House whether he is ready to give us a report.

Hon. Mr. McMEANS: I had stated that if the discussion was adjourned I would, if possible see the Minister of Justice and the officials of the department in reference to the Bill. I do not think there was to be a report from the honourable leader of the House as to the opinion of the Justice Department.

Hon. Mr. TESSIER: That is rather contradictory of what was said by the honourable leader of the House. He told us plainly that this Bill did not meet with the approval of the Department of Justice. I want to know whether any report has been made to the leader of the House.

Hon. Sir JAMES LOUGHEED: I have no objection to communicating to my honourable friend, and likewise to the Chamber, a letter received from the Deputy Minister of Justice. It says:

Dear Senator Lougheed:

Referring to your letter of the 14th instant, with regard to Senate Bill C, introduced by Senator McMeans, Mr. Meighen desires me to say that the executive, in the exercise of the prerogative of clemency, has ample powers to mitigate every sentence so as to adapt it to the justice of the case.

As to conferring jurisdiction upon the Courts of Appeal, upon application of the Attorney General, to increase a penalty pronounced at the trial, it does not appear that this power could be conveniently exercised or that there is any occasion for an amendment so much out of line with the established procedure.

Therefore the Acting Minister is not disposed to accept the principle of this Bill in any particular.

Yours very truly,  
E. L. Newcombe.

Hon. Mr. McLENNAN.

Hon. Mr. TESSIER: In the face of such an opinion from the Minister of Justice, I think the position to take is that legislation of this sort is entirely against principles which have been generally accepted. We must come to the conclusion that the Bill ought not to pass.

Under the circumstances, I move, seconded by the honourable gentleman from De Lanaudière (Hon. Mr. Casgrain), that the Committee do now rise.

Hon. Mr. McMEANS: After the discussion that took place on this Bill at the last session of the House, I called upon the Minister of Justice, and I am in a position to state that he told me that there was no pressing opposition to the Bill—that they had not gone into it fully enough. I also spoke to the deputy, and while I cannot say that he is absolutely in favour of the Bill, he was at that time unaware of the clause in the Bill providing that an appeal should take place by the consent of the Attorney General. Therefore I propose that the Senate deal with the Bill, so that, if it passes this House, the members of the House of Commons will have a chance to discuss it.

Hon. Mr. THOMPSON: In the communication read to the House the Deputy Minister of Justice is very clear. He says the department is opposed to the Bill.

Hon. Mr. McMEANS: His attention had not been called to the fact that no appeal could take place without the intervention of the Attorney General.

Hon. Mr. CASGRAIN: Under the circumstances, perhaps it would be as well to let the matter stand until to-morrow.

Hon. Mr. TESSIER: I have no objection, so long as my motion remains before the Chair.

Hon. Mr. CASGRAIN: To-morrow we shall know the position taken by the Minister of Justice. One would gather from the letter that the department was diametrically opposed to the Bill. The honourable gentleman (Hon. Mr. McMeans) says that is not the case. Perhaps he will put it off until to-morrow.

Hon. W. B. ROSS: Honourable gentlemen, I do not think that is the way in which this House should legislate. Here is a Bill before us. Either we should pass it or we should not.

Hon. Mr. DANDURAND: I should like to ask the honourable gentleman how he views the situation. The Senate passed this Bill