

That in the opinion of the Senate it is essential for the better administration of the criminal law that a Court of Criminal Appeal should be established in the different Provinces, with jurisdiction similar to that possessed by the Court of Criminal Appeal in England, and will inquire whether it is the intention of the Government to create such Courts.

Hon. W. B. WILLOUGHBY: Though I am not in the confidence of the honourable gentleman who initiated this inquiry, I understand it was not his intention to press for an actual vote on his resolution; but, if I interpret his meaning correctly, I think he desires to have the considered opinion of those competent to speak in this House, as to whether we should move in the direction of having a court of criminal appeal in Canada.

The honourable gentleman from Winnipeg first introduced a resolution dealing with excessive and inadequate punishments, and we passed the same, but that was not acted upon by the Commons. We have now the happy conclusion that the House of Commons accepted our amendment to the Criminal Bill which has just been before us, and that resolution emanating from the Senate, is now a part of the criminal law of Canada.

When my honourable friend introduced his resolution regarding excessive and inadequate punishments, I intimated to him that if he had seen fit at that time to enlarge on the scope of his resolution so as to provide at the same time for a court of criminal appeal in Canada I would cooperate with him. The Act that would be contemplated by reason of the resolution on the Order Paper would of course go much further than the one already covered by the statute that we now have, or will have when the House prorogues, dealing with excessive and inadequate punishments, but the two do not altogether overlap in the same field. The Criminal Code, as it is now being amended, does give relief in a very large number of cases, undoubtedly, where the sentence of the court may be reviewed as to inadequacy or excessiveness. One of the difficulties, as those familiar with the administration of criminal law know, is that we have no uniformity in sentence, even in the various provinces of Canada, let alone individual provinces, as to a person sent to prison with a light sentence or a heavy sentence. It depends largely on the temperament of the judge, sometimes on the state of public opinion at the time, which is more or less inflamed or agitated in connection with a certain crime, and which has an unconscious reflex

Hon. Mr. FOWLER.

action on the judge himself; because under our criminal laws at the present time, in a very large degree, the extent of the punishment is left within the jurisdiction and discretion of the judge. We are pretty well departing from the old absolute fixed sentence method of punishment, and coming to leave it to the judge who heard the matter, without any offence restrictions whatever, to fit the punishment to the crime. There are certain cases in which it is all right to provide that there shall be a minimum sentence, and we have provided that, on the whole; but between the minimum and maximum there should be a very wide discretion left to the judge who heard the case. In the case of the technical offender who has brought himself within the pale of its provisions by an actual breach of the law, and where no discretion is left to the trial judge other than to find him guilty, the extent of his punishment may often range to the widest degree, from a mere suspended sentence to a long sentence.

On motion of Hon. Mr. Willoughby, the debate was adjourned until the next sitting of the House.

The Senate adjourned until 3 p.m.

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

THE GOVERNOR GENERAL'S DEPARTURE

ADDRESS FROM THE SENATE AND THE HOUSE OF COMMONS

The Senate proceeded to consider a message from the House of Commons requesting the Senate to unite with that House in an Address to His Excellency the Governor General on the occasion of the approaching termination of His Excellency's official connection with this country.

Hon. Sir JAMES LOUGHEED: Honourable gentlemen, a few years ago the Parliament of Canada bade farewell to His Royal Highness the Duke of Connaught, who was the immediate predecessor in the high office of Governor General of Canada to His Excellency the Duke of Devonshire, to whom we are on the present occasion bidding a like farewell.

Coming officially to Canada at a time when the Empire was engaged in the greatest war of all history and in which