

has had a great deal of experience in criminal law. I explained it to him, and gave him a copy of the Bill, and I am happy to say that it received his entire approbation.

While this Parliament votes millions of dollars for various enterprises, and while we are now engaged in a plan of reconstruction, and are spending millions of dollars for this work and for that, there is a class of the community, termed criminals, which I believe has never received any consideration at the hands of the Parliament of Canada. I feel strongly in this matter, because on several occasions I have been personally concerned in cases in which I felt, and felt strongly, that there had been a miscarriage of justice. I remember once acting as Crown counsel in Manitoba, and prosecuting several men for the serious crime of murder. I do not wish to reflect on any of the judges of Manitoba or anywhere else, because I take second place to no man in my respect for the judges of Canada. As I say, I was prosecutor in that case, and it was my duty to bring before the court and before the jury all the evidence that I possibly could so that they would be in a position to say whether those men were guilty or innocent. The jury found the men guilty of manslaughter. The man who threw the club that killed the murdered man received two years in the penitentiary, and another man who was in the house with him was sentenced to ten years. As Crown counsel I could not understand the reason for that, but I could not do anything. The judge said to me, "I think the other fellow is the worse of the two." I said, "That may be." But I could not do anything. Now, if an Act similar to this Bill had been in force, I could have reported to the Attorney General, setting forth the facts of the case, and stating that in my opinion there had been a miscarriage of justice because the accomplice had been sentenced to ten years and the man who had thrown the club to two years. I do not want to be bound down to the statement that the man was sentenced to ten years, but I think that is what it was. If I had been able to go to the Attorney General he would possibly have allowed the sentence to be reviewed.

Some honourable gentlemen opposite seem to be under the impression that the Bill aims to provide for an appeal on the facts, and that a judge requires to see the jury and the witnesses. I would ask them entirely to eliminate that idea from their minds, because the Appeal Court will have nothing whatever to do with that. The

Hon. Mr. McMEANS.

purpose of the Bill is just to provide for cases where a serious mistake has been made—a miscarriage of justice. When one considers the wide discretion allowed to the judges under the criminal law of the Dominion—for instance, in some cases a judge may sentence a man to one day in jail, or may send him to the penitentiary for life—I think we may congratulate ourselves upon the fact that these mistakes do not occur very often. On the whole, I think we may safely say that the criminal law in this country is satisfactorily carried out. Nevertheless, I do say that in the event of an error of that kind creeping in, either an error of judgment or one by reason of temperament, or for any other cause to which it may be ascribed, there should be provision in the criminal law to meet it. Whether this Bill will recommend itself to the House or not, I feel satisfied that it will at least raise some discussion, and I should be very much pleased if the Minister of Justice or the Department of Justice could be brought to realize that the time has come when some provision will have to be made for appeals in criminal cases. Canada is to-day the only country that I know of—I cannot speak of France, or the older countries, but I am referring to the English-speaking countries—where there is no provision of this kind. In Great Britain there is a court of appeal for criminal cases, which has received great praise from jurists and others. There was an article in the London Times some time ago reviewing the situation and showing the great benefit which had accrued to the people of Great Britain in the administration of the criminal law by reason of that court of appeal.

The honourable the senior member for Halifax (Hon. Mr. Power) thought that we should not go to the United States for anything—that our administration of justice was better than theirs. Let us admit all that. But if there is anything in the United States that we can copy that is of great benefit to us, I do not think the fact that it comes from the United States should stand in the way. We have this fact, that the British Government in the year 1907 sent commissioners to the United States to inquire into the administration of the criminal laws and the probation system of that country. An exhaustive report was made to the home Government, which ordered the report to be printed and published and circulated among the members of the Houses of Parliament. I have a