

instructions given by your superiors. There was no direct evidence of intention upon your or their part to assist the enemy. Under these circumstances the jury found you not guilty of the charge of treason, but found you guilty of the charge laid under section 436A of the Criminal Code, being a section passed in 1915, and directed against dishonesty, fraud or deception in connection (among other things) with the manufacture of military stores. In finding you guilty, the jury added a rider to their verdict, in which leniency is suggested upon the ground that you were acting under orders. Punishment under our law is designed not only to deter the guilty person from again committing a crime, but also to deter others from committing like crimes. Dealing first with you, one cannot but reflect that, according to the finding of the jury, you acted upon instructions received from others, who should perhaps be considered the prime offenders. Whether or not the authorities intend to take any proceedings against any others I have no knowledge, but, it is to be borne in mind that, whilst, so far, no others have suffered, you have been incarcerated for nearly two months. If your crime had consisted of an intention to assist the enemy, or even of participation in an act or acts which to your knowledge might result in injury to His Majesty's Forces in any manner or degree, the maximum of the punishment imposed by section 436A—that is to say, imprisonment for two years and a fine of five thousand dollars—would be quite inadequate. Giving you the benefit of the doubt in the particulars just adverted to, and taking into consideration the following facts, namely, that you have already been confined for nearly two months, that you were acting under instructions, that you have hitherto borne a high character, and that leniency is asked for by the jury, suspended sentence would seem to be the most fitting adjudication. It is hoped and believed that that will act as a deterrent in your case.

“As to the question of deterring others, I may point out that even if, prior to this present prosecution, it was open to anyone charged with playing a part, whether large or small, in plugging holes or in any other improper proceeding in the manufacture of shells designed for the use of His Majesty's Forces, to plead that