

CANADA

House of Commons Debates

OFFICIAL REPORT

Wednesday, June 23, 1944

The house met at three o'clock.

THE KING'S BIRTHDAY

REPLY OF HIS MAJESTY TO RESOLUTION EXTENDING GREETINGS AND GOOD WISHES

Mr. SPEAKER: If the house will please rise, I have a communication from His Majesty the King:

Buckingham Palace
21st June, 1944.

Dear Mr. Speaker,

The King has received from the Governor General the address adopted by the House of Commons of Canada on June 8.

His Majesty greatly appreciates this expression of the loyal good wishes of the members of the house on the occasion of the official celebration of his birthday in Canada and commands me to ask you to convey to them his sincere thanks for their kindly sentiments towards himself.

Yours sincerely,

A. Lascelles.

The Speaker,
House of Commons of Canada.

CRIMINAL CODE

AMENDMENTS—THEFT FROM POST OFFICE—FRAUD IN SALES OF MILITARY STORES—APPEALS FROM SUMMARY CONVICTIONS IN QUEBEC

Hon. L. S. ST. LAURENT (Minister of Justice) moved the second reading of bill No. 139, to amend the Criminal Code.

Mr. J. G. DIEFENBAKER (Lake Centre): Mr. Speaker, in connection with this bill, which has to do with a number of amendments to the criminal code, an opportunity is given to make some reference to amendments to the criminal code and the necessity for such amendments being made at this time. Each session there is an annual piecemeal introduction of amendments to the criminal code, and the accumulation of these suggestions for amendments show the necessity for a complete revision of the Criminal Code of Canada at the earliest possible time, such revision to be based on the changing and changed conditions

through which we have passed and on the changes which have taken place in public opinion since the last revision of the code, also by reason of the scientific advancements that have taken place since the time of Sir John Thompson, who in a revision some fifty years ago codified our criminal law.

I suggest, Mr. Speaker, that the time has come for consideration by this house and by the Minister of Justice in particular of a revision of the criminal code in its entirety in order to bring it up to date and in order to remove the results of conflicting judicial interpretations which have been given on the various sections as well as anomalies that appear in many sections of the code.

All admit that the criminal code should be revised, and I rise for the purpose among other things of placing before the Minister of Justice the suggestion that there should be set up by parliament a committee composed of outstanding representatives of the law, and others, particularly of members of the bar, so that they may hear evidence from jurists, scientists, penal workers and psychiatrists to the end that there shall be a body of evidence available to enable the criminal code to be brought up to date.

Having regard to the fact that these amendments before us have to do with the revision of penalties I should like to suggest that something be done with regard to amending the criminal code in order to remove the situation that prevails to-day in that there is a mandatory penalty of death for all convicted of murder. That penalty has been changed in other parts of the empire. As a matter of fact—I am not at the moment entering into any discussion of the merits or demerits of capital punishment—in 1941 capital punishment was done away with in New Zealand, as was flogging and whipping as punishments for certain crimes. The trend recently has been to ameliorate the harshness of the criminal code, and I believe that provision should be made for the removal of the penalty of death so far as youths of eighteen years of age are concerned. In Great Britain that has been the law since the Children and Young Persons