

*Criminal Code*

● (3:30 p.m.)

I recall my college days when we debated this question at the university. We had a mock parliament which dealt with the question. It had come before parliament eight or nine days earlier and in those days *Hansard* apparently was not produced within a matter of 15 hours. We dealt with this question because it was being dealt with in parliament. In every generation there are leaders in the thinking of a nation who take stands which are not always popular. I find that the greatest exponent of all throughout the years was a Liberal member from Montreal, the late Robert Bickerdike who represented Montreal-St. Lawrence. He brought bills before the House of Commons on three occasions, first in 1914, again in 1915 and finally in 1917.

In his day Mr. Bickerdike was a leader in support of a matter which to him was one of conscience. He did not receive widespread support. It is interesting in retrospect to review the attitude taken by the then leader of the opposition, Sir Wilfrid Laurier, who did not give support to Mr. Bickerdike's claim that capital punishment should not apply to women and children. It is also interesting to note that a man who was to become prime minister of Canada, Arthur Meighen, expressed himself as believing that even though a certain convicted murderer was only 16 years of age—and I now quote his words—"it might well be that the case would show there should be no restriction in its application merely on account of age". In other words, the thinking of the individuals and the thinking of the leaders in parliament has greatly changed in a period of 50 years.

The debate has been a worthy one. We are not here for the purpose of converting anyone. I speak not as Leader of the Conservative party; I speak here as an individual expressing conscientious views which have become intensified with the passing years in reference to this problem. It has been an excellent debate; there has been an expression of the feelings of individuals in respect of a problem which has exercised the minds of men for many generations.

I do not intend to speak in an emotional way. When I look over the law reports I find there are six reported cases in the Supreme Court and in the various appeal courts in which I appeared. I have appeared as counsel for the accused in twice that number and more. When I was prime minister about 62

cases came before the cabinet which were given consideration.

I wish to give the house and the country some indication of my reaction both in my capacity as a counsel in the courts and also as one who had the responsibility of administration. All of us realize the awful problem we face; all of us have reasons for making clear our individual views. Mine, in summary, were expressed many years ago by John Donne when he said, "Any man's death diminishes me because I am involved in mankind".

Every generation has looked forward to the day when the killing of mankind in war would be done away with. It is a strange commentary on man when it is realized there are only two species on the earth that wage organized war, men and ants. So far as the ants are concerned, anthropologists say they cannot be changed. Man always has hoped that the message of Nazareth would become the embodiment of principle for all mankind.

We have war. We also have the taking of human lives by individuals. I said that the thinking of people has changed. I have read every debate which has taken place in the British parliament from the days when Sir Samuel Romilly in 1810 introduced his motion on the subject of capital punishment. I have read the several reports of the various commissions. I have read the literature of the last ten or 12 years on this subject. I have seen the change in the thinking of men and women everywhere. Can you imagine in 1810 the Lord Chancellor of the United Kingdom or the Lord Chief Justice coming out for abolition of capital punishment? The Lord Chancellor spoke and said it was necessary to maintain capital punishment for the theft of five shillings or more to preserve property. He said: If we ever abolish executions for theft, we will have destroyed the right of human beings to acquire and add to their wealth. In 1965 the Lord High Chancellor of the United Kingdom, Lord Gardiner, came out unequivocally for abolition.

● (3:40 p.m.)

Lord Parker, the Lord Chief Justice and one of the great counsels of Britain, came out in favour of abolition with one proviso, that life imprisonment be in fact interpreted in its literal sense. The Lord Chancellor said:

—when Samuel Romilly started this he did not know what the result of abolishing capital punishment was going to be, here or elsewhere, because it had not been done, and he never used more than two arguments—namely, first, "You think crime