With regard to the sections in question I refrain from mentioning any of them until we get into committee, at which time I shall direct my attention to one particular section which I believe contains a principle that is dangerous in the extreme.

Mr. DAVID CROLL (Spadina): Mr. Speaker, I have just a few comments to make on this bill which I think the members will give a wide measure of support. I agree with the hon. member for Lake Centre (Mr. Diefenbaker) that an act such as the criminal code must inevitably get out of date as a result of judicial decisions, so that it is necessary from time to time to tighten it up.

I am not going to discuss the sections, but there is in the bill a new principle which comes as a rude awakening to the Canadian people because for the first time the bill recognizes that there is in Canada a definite criminal class. We have liked to think of ourselves in the past as a law-abiding people. We are, but for the first time we are admitting the truth, what is even better than that, we are facing up to the truth, and I wish to commend the minister for the remedial action he is taking.

For a variety of reasons, not least of which has been our antiquated penal system and our outmoded methods of prison therapy, there has grown up in Canada a class of habitual criminals. Members of the house have been calling attention to this for many, many years, and even in this parliament we have called attention to it from time to time. The Archambault report emphasized the inadequacy of our penitentiaries to prevent repeaters and insisted on proper classification and segregation of the prisoners. General Gibson has agreed with that report, and the minister is now taking some definite action. Although this amendment to the criminal code is only a small beginning, it does attack the problem in the weakest part of our penal system. Here we are screening out and detaining in separate custody those criminals whose criminal habits are so deeply ingrained that they are persistently leading a life of crime. The action that the minister is taking is a definite, progressive step. Now that we have both the Archambault report and the Gibson report as guides, we can clean house from top to bottom. The segregation of habitual criminals will make ever so much easier the task of regenerating the younger inmates of our prisons, many of whom, as the example of the Borstal system has shown, will respond to intelligent and patient handling.

The minister said, in speaking in the house, that in the main we were following the United Kingdom legislation on the same subject. I consider it well worth while to point out that there are some important differences in this bill from the British bill. In the United Kingdom the accused must be over thirty years of age. In the present bill the age is fixed at over eighteen years. In the United Kingdom the limit of preventive detention is from five to ten years. Here it is indefinite and it may very well be for one's natural life. In the United Kingdom it is necessary to obtain the consent of the director of public prosecutions. A similar office in this country would be the attorney general, but the bill does not provide for that. In one other important aspect this bill differs. In the United Kingdom, provision is made for counsel for anyone who is charged as an habitual criminal, counsel to be provided by the state at the request of the accused. No such provision is made in this bill.

I want to touch on another aspect that was touched on by the hon. member for Lake Centre and it is an important matter, the one dealing with voluntary statements. The spy trials, the Dick case in Hamilton and the Sears case in Windsor have pointed up the confused and highly unsatisfactory state of the law on this matter. Under the law as it at present exists there have been grave miscarriages of justice against the person on trial and sometimes in favour of the person on trial. Unless the confusion is cleared up, we may soon find that no statement made by an accused person or any person under arrest will ever be admitted as evidence at any subsequent trial. That may be very good. That perhaps puts the onus where it belongs, but I think it is time for the highest legal authority in the country to clarify that situation and for all purposes attempt to make the practice uniform.

There are other parts of this bill which appeal to me. One part of the bill recalls last year's Tobias case, where a Toronto storekeeper was shot to death in cold blood by five youths who escaped the death penalty because the jury decided that the young killers had not intended to cause his death. I think the hon. member for Davenport (Mr. MacNicol) discussed this case last year. This case and all the attendant publicity constituted a travesty of justice.

Mr. MacNICOL: It certainly was.

Mr. CROLL: I am glad to see that the present amendment will prevent it from happening again. From now on under this bill, to kill a man in such circumstances will be murder, and if this amendment comes too late to afford any satisfaction to the dead