

*Criminal Code*

in any event it was not in Confederation at that time and therefore was not part of the picture, there were 41,965 convictions for indictable offences in Canada. That was the last year of the war. In 1946 they increased to 46,939. The next high point is 1954 when there were 47,981. The next high point is 1958 when there were 62,839. In 1961 there were 71,262, in 1962 there were 71,517 and in 1963 there were 78,518. Can you conceive of an increase in the rate of conviction per 100,000 population from 493 in 1945 to 647 in 1963?

Make allowance for the increase in population and what do we find? Each year, almost without exception, there was a tremendous increase. In 1963 the increase was 9.8 per cent over 1962. In 1961 the percentage increase was 10.1; in 1960 there was an increase of 10.2 per cent; in 1959 there was a decline of 6.6 per cent; in 1958 there was an increase of 14.5 per cent and in 1957 an increase of 19.6 per cent, a frightening increase in indictable offences.

Does that mean an increase in murders? This is an interesting fact. The Lord Chancellor in the United Kingdom stressed that he found, as a result of careful examination of all the statistics in the United Kingdom and elsewhere, that the increase in violent crime is not reflected in any increase in murder. Why? The situation in the United Kingdom has become so serious that more than a known 1,000,000 indictable offences are being committed annually compared with 500,000 ten years ago, but there is no percentage increase in murder. This is a particularly striking circumstance when you hear it argued that now is not the time to abolish capital punishment because we are in a crime wave. I repeat that the Lord Chancellor concluded that in no way did this vast increase in violent crimes translate itself into homicide increases.

I have reviewed the picture from a somewhat different angle from that used by other hon. members, all of whom, as I say, have made really worth-while contributions to this very difficult problem. The next question is, when should the House of Commons act? There will always be those who argue that the death penalty should be progressively abolished and ultimately completely abolished but the time is not now. That argument has been advanced over and over again against all changes or reforms in every generation. That was the argument that was used when the question arose whether the death penalty for the theft of five shillings should be abolished.

[Mr. Diefenbaker.]

I have here a record of the debate that took place in May, 1810, when Romilly introduced his motion to abolish capital punishment in certain particulars, including the stealing of goods valued up to five shillings. Mr. Herbert, M.P., a very outstanding man, said:

We have got to stop people from stealing goods.

Then he used these words:

If punishments in use are not to be retained what will be substituted for them? Will they introduce the knout from Russia which is, according to the evidence of those who had witnessed its infliction, more horrible than death itself? Or will they revive the practice of nailing ears to the pillory?

Mr. Giddy, M.P., said that he thought sheep stealing was very properly punished with death because:

—considering the manner in which sheep are fed upon extensive downs, the exposure to depredation and the difficulty of detection, such a severe punishment is necessary for the sake of preserving a vast quantity of wholesome food and warm raiment for human use.

Those were the arguments that were used in 1810. It is well to get the *Hansard* in question because those arguments are being used today for another purpose. I think it was my hon. friend from York South who referred to Chief Justice Ellenborough, and I recall that Lord Eldon, the Lord Chancellor, had this to say:

I am proud that I left for execution a prisoner who was convicted before me of stealing a horse worth seven shillings as he had a prison record as a regular horse stealer.

Then this was said:

It was indispensably necessary that offences highly injurious to the community should be punished with forfeiture of life.

Those are some of the views that were held then and which are being advanced again today. When Queen Victoria came to the throne the number of hanging crimes dwindled from hundreds to 15, including wrecking, arson, serious sexual crimes, rioting and robbery with violence. It took 20 years for the remaining capital offences to be reduced to four, and again the argument is being advanced that this is not the time to abolish capital punishment. Let me answer it.

The basis of the argument is that crime is increasing, that we need to maintain capital punishment even though the increase in violent crime does not extend to an increase in murder. On the other hand, if crime were going down those who argue against abolition would say that the reason crime is decreasing is capital punishment and it is not appropriate to abolish it now. That is both sides of the