

*Criminal Code*

For my part, I have put before the house a bill to transfer to the provinces the jurisdiction as regards the execution of the death penalty, which is in no way incompatible with the provisions of our Canadian constitution where authority concerning the administration of justice is assigned to the provinces.

The question is not to break the uniformity of the criminal law in the country, but merely to give the lieutenant governor in council instead of the governor in council the power to commute the sentences.

Why? First, in the U.S.A. there is a great difference between one state and the other; in Canada, in the field of divorce, there are special systems for Newfoundland and Quebec; the concept of punitive justice may very well vary from one province to another; it may well be also that in the present social context of our country, the retention of the capital punishment would have a deterrent effect more powerful on the Latin temperament of the French speaking than on the impassivity of the Anglo-Saxons.

● (6:30 p.m.)

With reference to what took place in the United Kingdom, it is proper to point out that a petition was signed by thousands of citizens anxious to see capital punishment reinstated in the statutes.

Mr. Speaker, by transferring to the provinces the power of commutation, this would allow Mr. Wagner to hang, if he feels like it, and other provincial authorities who do not enjoy the pleasure of hanging as much to allow commutations.

However, Mr. Speaker, I take advantage of this debate to deny—I see the Minister of Citizenship and Immigration (Mr. Marchand) in front of me and he will probably give a gasp—the government and the cabinet the jurisdiction in the field of commutation. I believe and I feel that the federal cabinet does not have jurisdiction, the necessary knowledge and the time to consider every case and decide whether or not to commute a penalty.

I suggest the creation of a special committee and if commutations came under the lieutenant governor in council instead of the governor in council, I think it would be imperative to establish in each province of the country a special committee made up of criminologists, sociologists and psychologists who could act under the chairmanship of the chief justice or a judge of the superior court, and whose specific duties would be to advise

the lieutenant governor in council in the field of commutations.

In the Quebec Department of Justice, the alarm cry uttered in favour of retention of the death penalty was accompanied by the publication of interesting statistics, which I think are worthy of the attention of the house.

These figures point out a recurrence of murders in the province of Quebec.

I do not want to make any difference between the various provinces because I am convinced that there must exist in the other provinces statistics which could be similar to those I will give and which deal only with the province of Quebec.

Here is the picture which the Quebec Minister of Justice made public:

For the period between 1951 and 1955 inclusive, there was an average of 38 murders a year, that is an increase of 19 per cent compared to the previous period and running parallel to a population increase of 14.1 per cent.

For the period between 1955 and 1960 inclusive, there was an average of 47 murders a year, that is an increase of 12 per cent compared to the previous period and running parallel to a population increase of 13.6 per cent.

For the period between 1961 and 1965 inclusive, there was an average of 57 murders a year, that is an increase of 38 per cent compared to the previous period and running parallel to a population increase of 11.4 per cent. During that last period, an alarming increase, a truly frightening upsurge in murders was registered. This last period coincides with the systematic application of the commutation system.

I am quoting those statistics, Mr. Speaker, without giving them any intrinsic value or any possible interpretative role; in my opinion, they have only an informative value. But just the same they can be used to refute the arguments of those who call on statistics to prove that the abolishment of the punishment often coincides with a decrease in crime.

Therefore, how is it possible to reach a definite opinion on the subject, if the statistical studies neutralize the positions?

First of all, I want to state solemnly that I am not in favour of the death penalty as such, but that I am in favour of maximum security for our society made up of good citizens.

I am aroused by the brutalities inflicted on innocent victims by wicked people; I am aroused by the serious damage against private property by unscrupulous bandits; I am aroused by the sordidness of criminals who