

air force, or those who served in territories contiguous to Canada, were just as necessary to the service of the country as were those who proceeded elsewhere.

I hope the minister will give consideration to this suggestion, and that some provision will be made in the bill for it.

Mr. SPEAKER: Is it the pleasure of the house to adopt the motion?

Mr. HAMEL: On division.

Mr. MACKENZIE: Who said that?

Mr. HAMEL: I did.

Motion agreed to on division, and the house went into committee, Mr. Golding in the chair.

Resolution reported, read the second time and concurred in. Mr. Gibson (Hamilton West) thereupon moved for leave to introduce Bill No. 413, to amend the Civil Service Act.

Motion agreed to and bill read the first time.

CRIMINAL CODE

ADDITION OF PART DEALING WITH HABITUAL CRIMINALS—VARIOUS AMENDMENTS

Right Hon. J. L. ILSLEY (Minister of Justice) moved the second reading of Bill No. 364, to amend the criminal code.

Mr. J. G. DIEFENBAKER (Lake Centre): Mr. Speaker, I have only one or two observations to make in connection with this bill, the principle of which is that amendments to the criminal code are necessary. As we shall have an opportunity of discussing the several sections as they arise, I shall not make reference to them at the present time.

May I reiterate what I have said on previous occasions, that as it is now constituted the criminal code is composed of many incongruous sections, and a very considerable portion of it is no longer applicable to present-day conditions. For that reason I suggest that in his position of Minister of Justice the minister could perform no more useful piece of work than at the earliest possible day to proceed with the recodification of the criminal code so as to bring it up to date, to remove many of the sections which are obsolete in effect, and also to amend the punishments, many of which have continued down to the present day from the year 1830, about which time cruel and unnatural punishments were done away with.

The recodification of our criminal code is long overdue. It was done last in 1892. Since

that time psychological and penological advances have been made which in considerable measure necessitate an early alteration in the law with respect to insanity, and also with respect to the principles applicable to responsibility.

In connection with the question of responsibility, as hon. members know, anyone under the age of seven years is incapable of committing a crime, while in respect of those between the ages of seven and fourteen before an accused person can become liable the onus is placed upon the crown to establish knowledge as to the nature of the act. Two hundred years ago, when those principles were established, physical and mental age were believed to be synonymous. In recent years advances in psychology have shown that many persons of the physical age of more than fourteen years have the mental development of a child of seven years or less; yet they can be convicted of crime.

There is one other matter I would bring to the minister's attention. Having regard to the number of cases going to the courts of appeal on the question of the admissibility of statements and confessions, I am surprised that something has not been done to render uniform throughout the country the general principles applicable in this regard. We have only to point out two recent cases, namely the Dick case in Hamilton and the Sears case in Windsor, where persons had been convicted of murder, such convictions having been based upon statements the accused had made. On appeals those statements were held inadmissible for the reason that police officers failed to follow principles established in a multitude of cases with respect to the admissibility of statements. Many people place strong reliance upon the admissions of accused persons, but experience has shown that persons do confess even though they are entirely guiltless because under certain circumstances they have been taken into custody and have not realized the consequences.

In Saskatchewan some years ago a man was charged with the murder of a little girl. He confessed and went into complete details as to how he committed the crime, which had been preceded by criminal assault. He came up for preliminary hearing and his statement went in which revealed him as a person who had committed one of the most sordid crimes in the history of our province. He was brought to the place where the crime had been committed, which happened to be in the constituency of the hon. member for Humboldt, and he reconstructed the crime. After he had been in custody awaiting trial some one read of his