

Criminal Code

the convicted, cutting off the head and quartering the body.

We have moved so far and so rapidly since that time. Looking at the statistics of deaths by homicide in Canada for the period 1926 to 1962 we discover that in the 1930's we felt it necessary to execute a good many people. In 1931, 25 men were executed. This was at the height of the depression when we had a population of about 10 million. We have had no executions since 1962 but in that year, with a population of 18½ million people, only two persons were executed. In 1965, with a population of 20 million people, there were no executions.

What do we find with respect to recent statistics? In my opinion this is significant, and I concur in the comments of the right hon. gentleman that his administration moved clearly and deliberately along a course which I believe is an inevitable one. I agree with the hon. member for Peace River when he said the other day:

Can anyone really doubt that the end result of these proceedings will be, as in other civilized states, the abolition of the death penalty? Why then should Canada be among the last to act in its abolition?

Those concluding words of the hon. member could well be the last words in this debate. I personally rejoice in the fact that this motion has been moved in the manner it has, attracting support from various parts of the house. I think it is important and imperative that the cabinet and the ministry be free individually to exercise their views on the basis of conscience, as many of them have. I cannot possibly understand the proposition that this should have been a government motion.

The right hon. gentleman during his administration gave leadership in the direction of reform. He points particularly to the year 1961 when murder was redefined. In that year there was no great outcry for a committee; it was a decision taken by the government. But I think, as the right hon. gentleman has said, that a further step forward is appropriate now as a result of our experience in the past.

I was somewhat disappointed by the address of the able and experienced hon. member for Kamloops (Mr. Fulton), the former minister of justice. One had the feeling that, having participated with enthusiasm in a first round of reforms, he was now holding back. I

[Mr. Matheson.]

believe his final sentence pretty well sets out the doubt in his own mind:

I shall vote against the motion, although with great reluctance and with a great deal of uncertainty—

The right hon. gentleman before me has spoken with clarity, conviction and emotion which is the result of certainty. In this connection I think one should look at the history of the previous administration in regard to commutations. In the period between June 21, 1957, and April 22, 1963, a step forward was taken in a certain, clear, positive direction. In that period of time there were actually 66 convictions for murder, with 52 commutations. In 24 of those cases there was no recommendation for mercy from either judge or jury.

During the current administration commencing June 22, 1963, to the present time there have been a total of 20 convictions for murder. In all these cases the death sentence has been commuted, and there was no recommendation for mercy in the case of six. It is true that in the past three years there have been no executions, but I make the comparison that there were six commutations with no recommendation for mercy whereas in the previous administration on 24 occasions there was commutation with no recommendation for mercy from either judge or jury. I do not criticize the previous administration. I say all power to them; they were moving in the direction of such people as La Fayette, Romilly, Koestler, Manz, Simons, Bouzot, Richard, Silverman, Gowers, Voltaire, Rousseau, Camus—

Mr. Monteith: Mr. Speaker, may I ask the hon. member a question?

Mr. Matheson: Mr. Speaker, may I be permitted to complete my remarks. I shall be glad to answer any questions at the end of my speech. The previous administration was moving in the direction of such outstanding American jurists as Clarence Darrow, such historical figures as Victor Hugo, Savigny and Kelsen of Germany, Hume and Bentham of England, Franklin and Payne of the United States.

In our own country there are former members of this house whose views we should respect—I spoke to one of them yesterday—Hon. Frank McGee, who has given positive leadership in this field, Arthur Maloney, Q.C.; G. Arthur Martin, Q.C., and John Robinette, Q.C. These are some of the outstanding experts in Canada. These people have unanimously, without any qualification, refuted the