

So, as the hon. member for Lake Centre has pointed out, certain indictments contain reference to previous convictions, and apparently the courts find no difficulty in preventing that fact from prejudicing the fair trial of the accused.

Mr. McIVOR: I do not know a great deal about law, but I must confess that I am afraid of this amendment. It seems to indicate that, no matter what influence is brought to bear on a man's life, he is not capable of change. I should like to think that no one is so depraved that he cannot be changed for the better.

Mr. ILSLEY: What is contemplated under the section is that habitual offenders will be placed under preventive detention, on an indeterminate sentence, but that their conduct will be reviewed by the Minister of Justice. The minister must keep in touch with that man's conduct, and provision is made therefor in the section. He must review at least every three years and, as a matter of fact, a review will be made by the remissions branch more often than that. The sentence is not a life sentence, necessarily. It contemplates release, if a man reforms.

Mr. McIVOR: That is good.

Mr. CHURCH: I should have thought that, in respect of this innovation which the minister brings to the house for the first time, he might better have waited until he saw the results of his prison reform programme. I would point out to the committee that we have had a report with respect to prison reform before us for many years, but nothing was done about it until about two years ago when the minister took office. He has appointed an officer for this purpose.

Would it not be better, when adopting a new system of this kind, which may be upset by the courts later on, to wait until we see what the results will be of the proposals for prison reform? In the first place, the minister has appointed a chief inspector and deputy minister, and he has made a report. A bill was passed only a few days ago in this connection. We should wait to see the development of the penal institutions being conducted. After every great war, there has always been a wave of crime and of suggestions with respect to these institutions.

One of the cardinal principles of Magna Carta is that the people shall have a large share in the administration of criminal justice. Whether these institutions are rightly or wrongly managed, the fact is that they are managed by crown officers, and the public

[Mr. Ilesley.]

have no right to enter them. Boards of visitors consist of members of the House of Commons and of the Senate, and the heads of the provinces, lieutenant governors and others. But how many of them have made visits to those institutions in the last few years? I was told by one warden that he has not seen a single soul.

Yet we go to work and, in one sweep, we pass this new section. I say those who are habitual offenders are the victims of a vicious, half-baked system. We have never had a real system of prison reform in Canada; it is a relic of the middle ages. Many of the provincial, municipal and dominion institutions were started before confederation against all known laws of public hygiene. We should wait to see what the results of prison reform, so far on paper, will be. As I have said, "Abandon hope all ye who enter here" should be placed over the whole of them. I have seen some of those institutions. I am familiar with the one at Guelph, from criticism of Ontario's court of appeal. The city of Toronto has spent large sums of money to help this type of offender. In 1912 it spent a large sum of money in connection with the establishment of a farm for young men on Yonge Street, and in 1914, on one at Concord, in West York, three miles away, for women. Then, in this connection we must think of the Mercer reformatory for girls and women; which was established in 1866, a long time ago.

How can we expect anyone placed in institutions like those not to be a habitual offender. In our prison system in Canada we are twenty-five years behind the old country, so far as prison reform is concerned. We have never had any up-to-date, national Borstal system.

Mr. MACKENZIE: Yes, we have in British Columbia.

Mr. CHURCH: To a large extent the officials are appointed, and it is proposed by the hon. member for Lake Centre to transfer them so that they will come under the civil service commission. These officials, wardens, guards and all of them, are crown officers. No one from the outside, not even a grand jury, goes in to see what is going on. Is there any wonder that there are habitual offenders? They are the victims of our vicious system. Our institutions have been condemned, and reference has been made to them by Chief Justice Robertson of the court of appeal of Ontario, and Chief Justice McRuer, of the high court of Ontario, trial division. Our institutions have been severely criticized by various judges