

Criminal Code

effect on the inmates. But it also had an effect on the officials of the prison. They tell me that hanging in most instances—and quite a large number occur in that prison—is a most offensive sight. They have gone on to give me details of certain hangings.

For the carrying out of penalties for this crime we provide in this country a licensed executioner who works for money and who chases around the country. Sometimes you have to delay a hanging because he is doing the same job somewhere else. The man comes to the prison farm and he is supposed to take scientific notes on the weight, etc., of the prisoner who is to be hanged. Then we find that in most cases he has made a mistake. The prisoner can hang on the end of the rope for half an hour, and no one can prove that that man or woman is dead. It seems to me that in Canada we can do better than that, even in executing a criminal on a capital charge.

I do not altogether agree with the hon. member for Moose Jaw, because I see a purpose in capital punishment. But I say to you, Mr. Speaker, that hanging is not the way to carry out that sentence. Instead of these gruesome occurrences in prison farms where we have the legal number of witnesses to watch an affair that should not be seen by anyone; where we have morbid curiosity evidenced by a number of people who ask to be there—and then where you see what the hon. member for Moose Jaw has so aptly described as decapitation in some instances—I think Canada can do better than use this legalized form of what I consider is murder in itself.

I say I take a different view from that taken by the hon. member for Moose Jaw because I do not believe that all murders should be put in the same class. I think there should be degrees of murder. How can you take the case I brought to the attention of the house some months ago and view it in the same light as you would the couple of chaps who were hanged in Toronto within the last few weeks? There, as I see it, it was a case of deliberate murder, something that was planned. For that crime those men suffered the death sentence. But I brought to the attention of this house—and I do not intend to mention names—a certain case in which there was reason for mercy which the Minister of Justice so promptly extended. But in that case that young lad could have suffered the penalty as prescribed by law. Would anyone in this house say those two crimes were of the same magnitude? Certainly I would argue that they were not.

Although I do not wish to speak too long on this matter, I want to say that I support the hon. member for Moose Jaw as far as this bill goes. I think he has brought before the house a matter that needs consideration, a matter which the Minister of Justice could well take under consideration having regard to the degrees of murder.

I also believe that for a convicted murderer this government could prescribe electrocution rather than hanging. It seems to me that the way in which we carry out the death sentence today—and I know quite a bit about it—is a disgrace to this country. As I have said, to my mind it is legalized murder. I believe that the sentence of death is not carried out in the way that Canadians would want it to be carried out. I cannot say that I support the hon. member in all his arguments. I say that there are several degrees of murder, and that they should carry with them different sentences.

I could go on to speak at length, as I have the papers in front of me with regard to instance after instance in which men have been sentenced to death and have been hanged for crimes which, if I were sitting on a jury, I would have had a little bit of suspicion were not subject to the death penalty. Last night the hon. member for Moose Jaw told me of a chap—and I think he mentioned it today—who went to hold up a garage but did not use his gun; and none of us will excuse the use of the gun or even the carrying of it. He came out of that garage office and in going across the yard slipped on some ice—I think it was ice—and his gun went off and he shot and killed a man who was working at the back of the garage. To my mind that was not murder. We know that a man was killed, but certainly that could not be classed with the case of the two men who shot down the man in cold blood on a Toronto street. So I say there are degrees of crime, and if I had the time I could quote authorities to prove my point.

I would like to hear one or two lawyers in the house express their opinions as to whether hanging should be the final result of the crime of murder in Canada. May I compliment the hon. member for Moose Jaw (Mr. Thatcher) upon bringing this matter to the attention of the house. I hope that when, in years to come, he is successful, I shall be here to see it.

Mr. A. Earl Catherwood (Haldimand): Mr. Speaker, I should like to say a word or two on this resolution and commend the hon. member for Moose Jaw (Mr. Thatcher) upon bringing this matter to the attention of the house.