

Criminal Code

permit him to have a fair trial and which is not placed before the court by him or his solicitor, if he has one.

This afternoon the hon. member for Kamloops struck the nail on the head, if I might be permitted to use that expression, when he said the jury system is the greatest protection for the people of this country. I feel it should be carefully studied. I believe it was a fine thing to have this whole matter considered by a committee.

There is just one point I should like to add which I do not think has been touched upon. It may be that the minister intends to have it included in the study anyway. I have not heard anyone mention that this committee might consider also the method of carrying out the executions. A lot of people do not like capital punishment because they do not like the idea of hanging. It seems a gruesome thing. I presume the terms of reference will give this committee the privilege of studying other ways of carrying out the death sentence, if it remains, and making some recommendations about it.

The next point I should like to mention is that the committee ought to consider whether or not these executions should be carried out within the jurisdiction of the court by which the accused is found guilty. It might be a good idea to have these executions carried out in some central prison. I feel that is another subject which might well be considered.

Mr. Garson: The motion covers both those matters.

Mr. Montgomery: Thank you very much. I think that covers about all I have to say, except one more word about the committee on which I worked last year. As a new member of parliament and a junior member on the committee, it was a good education for me. I enjoyed the work very much, under the chairmanship of the hon. member for Essex West (Mr. Brown). That was one committee that worked diligently and faithfully. So far as I know everyone did his best to improve the Criminal Code in every way possible, while at the same time protecting and safeguarding the interests of the country.

Mr. Angus MacInnis (Vancouver-Kingsway): Mr. Speaker, I have only a few remarks to make in this debate. Indeed, I rather think perhaps this is not the proper time to have a debate on the subject at all. What we have been hearing this afternoon and this evening would have been better said after we had the report from the committee that is to be set up to deal with the matter.

[Mr. Montgomery.]

If the debate this afternoon and this evening has demonstrated one thing more than another, it is that many of those who have taken part in it are certainly not qualified according to our rules to be members of the committee. That does not hold, however, for the hon. member who last spoke. I would say, with him, that I too was glad to have the privilege of serving on the committee on criminal law last year. It was an education in itself.

What troubles me in regard to capital punishment is that if it is a bad thing for one person to take another person's life, then it is also a bad thing for the state to take a person's life. I do not want to be misunderstood, because certainly I have as little use for a man who commits murder as has any other member in the house. But I think today, in our ideas respecting those who violate our laws, we are getting away from the idea of punishment and directing our thoughts more along the lines of the protection of society and reforming the individual.

I appreciate that that cannot very well be done in the case of a person who commits a murder. He must be put away and, for the protection of society, he must be put away for good. I believe it was the hon. member for Regina City (Mr. Ellis) who said that today most people are revolted by the method by which executions are carried out.

I have read some considerable history, and it seems to me that as the human race advances its members become more humane in their dealings with one another. It is really only in that way that one can say the human race does advance. I was interested in what was said by the hon. member for Temiscouata (Mr. Pouliot) when he, as well as others, referred to the protection given by the jury system. I am not sure that the jury system protects anyone. I am, of course, in favour of it; but let us remember this, that in every murder case, or almost every case coming before a jury, the prosecution as well as the defence are chiefly concerned about the calibre of the lawyers representing them. If I had need of a lawyer I would most certainly look for a good one. I believe it was one of our national journals in which appeared recently a story concerning the beginning of the legal career of a prominent member of this House of Commons, which referred to the help given him by the jury in winning his first case. I would like to have a lawyer like that, if it were my misfortune to find myself in a similar circumstance.

The prosecuting attorney tries to impress the jury in one way and the defending