

Kirkland. The name of Murray Kirkland has been raised in this debate not by me, but of course his name became prominently mentioned in the newspapers last spring during the trial. Ordinarily I am not supposed to give publicly the names of convicts and particulars in regard to them, but as this case has been made the centre of a great deal of criticism I am going to give some particulars in regard to it.

Murray Kirkland is looked upon as one of the dangerous inmates of Kingston penitentiary, where we have a large number of very dangerous men. He seems to have been connected with the banks as a bank clerk in his early life—he is yet a comparatively young man. On August 16, 1930, he committed an armed hold-up of the Bank of Montreal at King City near Toronto. Perhaps some hon. members may recall the circumstances; he and his gang locked the bank staff in the safe, obtained \$916 from the teller's cage and made away with it. He committed bank robbery while armed at the Bank of Nova Scotia at Agincourt, near Toronto, on October 2, 1930. This time they operated by the same method and obtained \$846 from the teller's cage. On November 6, 1930, he and his gang robbed the Canadian Bank of Commerce, getting in that case over \$6,000 by armed robbery. He was tried for and convicted of these three charges and sentenced to eighteen years' imprisonment and fifteen lashes. Since he has been in the penitentiary he has received the lashes. These are not by the paddle; these are the lashes that are imposed by the court, a much more severe punishment than anything connected with the paddle that has been so much spoken of. Since his arrival in the penitentiary he has been considered, and justly so, a very dangerous criminal. He has been specially looked after to see that he does not commit any deprecation there in the way of attempting to escape, or an assault upon any of his fellow prisoners. This man was engaged in the riot in 1932. Notwithstanding the tender manner in which Judge Deroche spoke of him at his trial he was convicted and sentenced by him to an additional nine months at the conclusion of his present sentence, which is a long way off. He was one of the leading rioters. During his trial when he was charged with riot and destruction of property, his counsel, Mr. Nickle of Kingston, in mitigation of his conduct introduced the evidence of a number of convicts to show what they said was ill-treatment of prisoners in Kingston penitentiary. The evidence was in mitigation of the crime, not relating to whether or not the prisoner was guilty, but merely in order to

[Mr. Guthrie.]

mitigate the sentence. Prisoner after prisoner was summoned by Mr. Nickle and put in the witness box and these prisoners told the most horrible and lurid tales of ill-treatment. But Mr. Nickle in his letter to which I am going to refer said, "And this evidence went uncontradicted." That is young Mr. Nickle to whom I am referring, not Mr. W. F. Nickle. But I cannot understand a man of the standing at the bar of Mr. W. M. Nickle making such a statement when he was fully aware of the circumstances. There were present at the trial the warden, the deputy warden, the superintendent and the guards. They were excluded from the court and not allowed to hear the evidence. Then, at the conclusion of the case, the crown attorney who conducted the case for the crown said that as these were matters which did not relate to the guilt or innocence of the prisoner on this charge but were merely in mitigation of sentence, no evidence could be called in reply. That was why these extraordinary statements went uncontradicted. Mr. Nickle must have known that evidence in rebuttal could not have been given. If evidence could have been given in contradiction of these statements it would have been given at the time; all the officials and guards were there for the purpose of giving evidence, but they did not have the opportunity.

I think next I should deal with Mr. Nickle's letter. Mr. Nickle, I suppose, was rather disappointed that after all his efforts and after a prolonged trial he was unsuccessful in his defence; the man Kirkland was convicted, and rightly so. Mr. Nickle's next step was to write a letter to Reverend Canon Scott of Quebec. The letter was read by the hon. member for Winnipeg North Centre on June 25, as reported in Hansard commencing at page 4293. My hon. friend has challenged me to make a categorical denial of the statements contained in this letter, and I propose to do so. These are the statements of riotous prisoners, which were made in court and were not contradicted at the time by reason of the facts I have just stated.

The first statement in this letter is as to the existence of the "hole." That term has been used by prisoners in Kingston for many years, and refers to the punishment cells under the keepers' hall, which are nine in number. There is no hole as one would understand it from reading this letter, but there are well ventilated, airy cells which are used only for the purpose of punishment. If a prisoner gets beyond control and has been tried and awarded punishment he is put in one of these