

*Criminal Code*

was hanged. The circumstances there were that Mrs. Thompson was older than her lover in that case and they struck up this illegal liaison. The young man in her life used to go to sea, and she would send him letters from time to time. To fan the flames of their passion she would inform him that she was busily engaged in trying to rid herself of her husband by putting powdered glass in his tea. This was not true. The murder itself occurred when Mrs. Thompson and her husband were walking along the street and the young lover ran up to the husband and stabbed him.

There was apparently nothing that Mrs. Thompson did at that time to make her an accessory. She did not pinion her husband's arms so that he was an immobile victim in front of the knife that took his life. In fact, it merely appeared that she was an innocent bystander, as it were, until it became known to the police that the murderer and the murdered man's wife did have this illicit liaison. That caused considerable controversy after she was hanged because people are wont to argue that she was made to pay a fearful penalty by the mere fact of achieving a romantic liaison which did end in her husband's death.

When I look at that case I do not find it particularly inviting in a debate such as this. Of course it may very well be that these chance remarks about putting ground glass in her husband's tea from time to time may well have made the young man think that after all she could not be the murderer of the husband entirely. "I must get in there and play a part myself." He might have been provoked. It was one more famous case that I think is almost always considered in debates on abolition. For myself, I have not thought it particularly helpful and I do not think it makes out any great point for the abolitionists.

The point that has been made by two of the speakers who preceded me in this particular debate is that the crown always has an advantage in murder trials and that the people who present the case before the courts are more able. They have all the resources and the police are rounding up witnesses and bringing them into court and it is very difficult for the defence to present its case properly. Again this goes to the argument, a strange argument, an argument that I find to be somewhat fallacious, that the people who were hanged were never guilty anyway. I think we should have more faith in our courts of justice and certainly anybody who knows court work knows that the greatest care is taken in the presentation of charges of murder against people; that the accused is given a great deal of protection, and

undoubtedly is given even more protection than usually obtains in criminal cases. If there are dangers, though, that people have been wrongly convicted of murder I do not think the answer is to abolish hanging; rather I would suggest it is to see where the faults are and take appropriate action by amending the Criminal Code or in some other way providing even greater safeguards than exist at the present time.

The third line of approach on this theme, that those who are hanged are not guilty anyway, or the corollary to that particular point, was brought up by one of the members in the debate when he quoted the late Warden Laws of Sing Sing penitentiary to the effect that only the poor man or woman is hanged and the rich people are able to get away with it. There was an impressive statistic presented. The point that really bothers me is that out of 150 people taken to the execution chamber in Warden Laws' experience, 149 were men and the other person was a woman. But, in any event, all the 150 were poor. This point has given me some concern. I do not know whether it particularly goes to the proposition, though, that we should abolish hanging for that reason. It may be that more information is needed on what is the experience in Canada, for example, to see whether the rich are able to get away with murder and the poor are unable to get away with it. Perhaps these are statistics that would be very useful in helping to determine this rather interesting question.

A strong point made by the abolitionists, Mr. Speaker, is that hanging is based mainly on revenge. This argument, of course, suggests that our laws and our civilization are very much unaltered from the laws and civilizations of several thousands of years ago; that the eye for an eye and a tooth for a tooth code as it prevailed then prevails with us today.

On this point of revenge one of the preceding speakers quoted Rabbi Feinberg of Toronto in a very moving passage in which he describes his own particular emotions when nazis who had sent thousands of Jews to the gas chambers during the war were eventually brought to justice. Rabbi Feinberg asked himself the question that naturally arises in a civilized man's mind when he finds himself thinking in terms of our basic passions of revenge. I draw that reference to the attention of the house again. I do not intend to read it but it is to be found at page 2199 of *Hansard* of that particular debate.

On this particular point of revenge, it is asked what happens, what do you do when you see your wife or child being raped or murdered by someone? I do not find this a particularly useful approach in coming to a