

*Criminal Code*

been one rapid death. On page 53 of the evidence Mr. Willis made this further statement:

I have always had at the back of my mind the possibility of decapitation every time there is a hanging. There is always the fear of that.

When we read the minutes of the evidence of that committee we find that that has happened in Canada on numerous occasions.

On January 23 I received a letter from Mr. H. C. Paul of Winnipeg. I do not think he would object if I quoted one paragraph:

A friend of mine is a doctor, and a doctor associate of his had the job of checking hanged persons. He informed me that recent hangings had been badly handled. In fact, it was nothing more than slow strangulation. The victims were almost always alive after the drop and continued to moan and live for nearly an hour. The facts were all hushed up.

I think such a statement should be investigated, and soon. Sheriffs who are forced to attend executions of this type testify that death is never rapid. Therefore I say that hanging is inhuman. It is a foul practice which has no place in a civilized country.

In the fourth place I oppose capital punishment because, quite frequently, Canadians are hanged who did not directly commit murder. Under our present law accessories to a murder are just as guilty as the man who committed the act. Time after time, not only individuals but groups of persons have been hanged for permitting themselves to be present when a murder was committed. A good example of this type of justice was the recent Bentley case in England. I cite the case because under our law the same thing could happen in Canada. I quote a press dispatch of January 28, from London, England, headed: "Youth hanged for murder despite protest." The article goes on:

A 19-year-old Briton was hanged today for a murder shot he did not fire.

The youth, Derek Bentley, took part in a holdup in which a policeman was killed. A companion, who actually fired the fatal shot, escaped with an indeterminate prison sentence because he was only 16 years old.

The fatal shooting occurred when Bentley, dull-witted son of an electrician in suburban Croydon, was arrested on a rooftop with a 16-year old friend, Christopher Craig.

Craig cut loose with a gun, killing one policeman, while another officer was holding Bentley.

It seems to me that cases of that kind are a travesty of justice. In the famous Bank of Hochelaga case in Montreal some years ago five men held up a bank. One of them killed a bank teller in the process and all five were subsequently executed. Theoretically, the principals are equally guilty in the eyes of the law, but morally they are not. Only one man committed the fatal act, and I think only one man should have to pay the penalty. In my opinion six lives for one, four lives

[Mr. Thatcher.]

for one, or two lives for one is not Canadian justice. It is vengeance, stark and brutal.

Speaking in opposition to this bill in 1950, the then solicitor general made this statement, and I quote from page 3278 of *Hansard*:

I should like to make it clear that in this country the actual infliction of the death penalty is, in practice, reserved for the worst type of assassin, the man who kills with full knowledge of his deed, having carefully planned and premeditated his crime.

With all respect, I must take exception to that statement because I do not think it is correct. Time after time men have been hanged in this country for murders that were accidental and in no way premeditated. I quote a Canadian Press dispatch giving an example, the Rowe case in London, Ontario, in 1951. I ask hon. members to judge the facts for themselves. The heading of this Canadian Press dispatch is: "Didn't see victim—Man in holdup dies on gallows". The article reads as follows:

London, Ontario, June 5

Walter George Rowe was hanged early today for the murder in a garage holdup last November of a man he didn't see.

Rowe and companion robbed a house in Windsor, Ontario, and fled in a commandeered taxi to London.

They stopped at a city garage and herded the driver and two other men into a grease room. Two of them made a break. Rowe fired a shot. The bullet went through a door, fatally injuring Galbraith, working on a car in an adjoining room.

At his first trial, Rowe said he had no intention of shooting, but slipped on some grease.

Rowe's counsel, W. R. Pool of London, said the shooting was accidental. "The bullet went through a closed door and Galbraith's presence was unknown".

Surely there was no premeditation in that case, Mr. Speaker, and there have been similar ones in Canada that could be mentioned.

My fifth reason for opposing capital punishment is the fact that hanging is so repugnant to many decent citizens that juries sometimes bring in verdicts which are contrary to the evidence, thereby endangering society by allowing guilty men to go free. According to Royal Canadian Mounted Police statistics, in the ten-year period from 1940 to 1949, 450 Canadians were tried for murder, yet only 177 were sentenced. Acquittals sometimes can be blamed only on the humanitarian feelings of the jurymen, and their reluctance to send a man to certain death. Strong but inconclusive evidence has led juries to let scoundrels go scot free, rather than see them hanged. The same doubt has influenced other juries to reduce the verdict to manslaughter.

Finally, I suggest that every hanging has a demoralizing effect upon the community. A murder trial always arouses a remarkable