cited by more than one witness, is the murder of an unfaithful wife or her lover by a soldier returning from the war.) We agree with Sir John Anderson that such verdicts are to be attributed to sympathy for the accused in the particular case rather than to disapproval of capital punishment or to any shrinking from responsibility.

They also summarize certain of the evidence presented to them as follows:

Lord Justice Denning, on the other hand, said that "in many cases which are in law plainly murder, juries return verdicts of manslaughter, because they do not think the death sentence is appropriate"; and the Howard League for Penal Reform said that their observations over many years bore out Justice Denning's view.

When you take the conclusion that juries will usually arrive at a proper verdict on all the facts and couple with that the existence in Canada, as in all countries of the British commonwealth which observe the principle that Her Majesty is the head of the commonwealth, of the exercise of the prerogative of mercy, the right of reprieve, then I think that there is room for argument that the principle of capital punishment should not lightly be removed from our criminal law.

While I am not going to trespass upon the work of the committee, I think that in this connection a very short statistical review of the experience in England and in Canada is interesting and illuminating. The table reproduced in this royal commission report shows that so far as the United Kingdom is concerned, in the ten-year period 1940 to 1949 inclusive there were 1,666 murders known to the police. These resulted in 815 arrests for murder. Of the 815 arrested 680 were committed for trial at assizes. Of the 680 tried there were 262 cases where the jury returned a verdict of guilty and the death sentence was imposed. Out of the 262 there were 127 executions.

In other words, within that ten-year period murders were followed by executions in 7·6 per cent of cases. In 38·5 per cent of cases those tried were found guilty. In 18·7 per cent of cases those tried and found guilty were actually executed, and in 15·5 per cent of cases those arrested were actually executed. While statistics in Canada are not available on the same basis, we do have in the report published by the bureau of statistics entitled "Statistics of Criminal and Other Offences for the Year 1950", a summary at page 199 of murder charges, dispositions, commutations and executions from 1900 to 1950. Although the same detail is not available in this table, it shows that in the period of ten years from 1940 to 1949 inclusive there were 479 murder charges laid. Those 479 charges resulted in 196 death sentences as the result of jury verdicts and 104 executions.

Therefore during that ten-year period, in 40·9 per cent of cases those charged were found guilty by the jury, compared with 38·5 per cent in Great Britain, or pretty nearly the same percentage. In 21·7 per cent of cases in Canada those charged were found guilty and actually executed compared with 18·7 per cent in the United Kingdom. Therefore verdicts of guilty in Canada are higher by about 2 per cent of cases than in the United Kingdom and executions in Canada are higher by about 3 per cent of cases.

But the statistic which I think is interesting is that, in that period of ten years, in 21·7 per cent of cases in Canada, or roughly only one-fifth of the cases where a charge of murder was laid which proceeded to trial, was there a finding of guilty and the death sentence actually executed upon the accused person. Therefore I think we should always bear in mind that in this country, and our experience appears to be repeated in the United Kingdom and I should gather from that in other commonwealth countries, it is fair and accurate to say that only in a very limited number of cases is a charge and trial for murder followed by execution, and in a restricted number of cases is the sentence of death followed by execution of that sentence. These are the main considerations that occur to me which should be borne in mind by the committee and all aspects of which should be studied in connection with their consideration of whether or not capital punishment should be abolished in Canada.

Then there is the other branch of that consideration which I mentioned, namely, possible modifications of the law of murder even though the principle of capital punishment may be retained. Again I would say that in approaching the question of whether to modify our law it is desirable to go slowly. After four years of study the royal commission in the United Kingdom reached four main conclusions on this point. It is always difficult to summarize a lengthy report in a few words, but I think I am doing so fairly and accurately when I say that, broadly speaking, the four main recommendations were: First, to eliminate or vary—there were two different recommendations on this subject—the rules in M'Naghten's case having to do with insanity; second, to modify the rule regarding provocation; third, to abolish the doctrine of constructive malice; and fourth, to give discretion to juries in murder trials, in cases where they have brought in