

Criminal Code

speakers. However, if the hon. member for Leeds wishes to speak for only a few more minutes I will withdraw my objection.

Mr. Deputy Speaker: The hon. member for Leeds.

Mr. Matheson: Thank you, Mr. Speaker. May I put this on the record as a matter of interest. I discovered this extract on reading Robert Bickerdike's diary:

A warrant was sworn out today by Edith Grimsdale, wife of Arthur Ellis, Dominion hangman, who charges that Ellis committed an aggravated assault upon her by strangling and striking her upon the face. Ellis was also charged in the warrant with threatening to shoot her.

That report was contained in the *Montreal Herald* of July 13, 1922.

Another hangman, one Radcliffe, served as Dominion executioner for 21 years, officiating at 132 hangings. At last his nerves gave way and he became a person who was a menace to himself, his family and society.

According to some of the material which has recently been examined we find that the state of Delaware abolished the death penalty and on December 28, 1961, ten days after restoration of the death penalty, Detective Sergeant William J. Mulrine, white and 49 years of age, killed his wife with a single revolver shot. He was immediately charged with first degree murder. Detective Mulrine had had 20 years service in the police force, and in a discussion with a prominent local minister a few weeks before the murder had expounded at great length his reasons for favouring restoration of the death penalty. It was, he said, a real deterrent and murderers ought to be punished. He said that many members of the police force believed as he did, and he became the first candidate for hanging in that state. I think that substantiates precisely the conclusions of the right hon. gentleman and I must say I completely endorse his conclusion that capital punishment is no real deterrent.

Mr. Monteith: Would the hon. gentleman permit a question? Would he not agree that the change in 1961, which made it obligatory for the presiding judge to ask the jury whether or not they wished to recommend mercy, puts in somewhat different light the figures which he put on the record earlier in his speech?

Mr. Matheson: I think it alters the question, and for the better. I quite agree with the point my hon. friend makes.

23033—241

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, I am sure that the hon. member who has just taken his seat will forgive me if instead of commenting on his speech I say a word or two about the speech which was made just before he took the floor.

As hon. members are aware, I have had frequent occasion to disagree with the right hon. Leader of the Opposition (Mr. Diefenbaker). I have had occasion to speak critically of some of the things he has done. But I should like to give him my wholehearted commendation on the speech that he made in this House of Commons today. The Leader of the Opposition has demonstrated leadership which I hope will have its effect in all parts of this house.

His clear statement that he is for the abolition of capital punishment is one that I believe the country will welcome. I also welcome his statement that if we are going to abolish capital punishment we should do so, and should not make for any exceptions. At the same time, I think there is merit in his suggestion that if there are some members who feel uncertain about taking this step as yet, it might be in order for the house to consider, perhaps on a unanimous basis, the provision that the abolition be for a five-year or ten-year trial period. In any case, Mr. Speaker, I welcome the speech made by the Leader of the Opposition and I hope it will be studied very carefully during the remaining hours of this debate.

I have had the feeling throughout this debate, Mr. Speaker, that in one sense it has been wrongly described. It has been referred to in the house and in the press as a debate on the abolition of capital punishment. It seems to me that the very opposite is the case. At the present time no hangings are taking place in this country. On a *de facto* basis capital punishment has been done away with. The previous government, the government under the direction of the present Leader of the Opposition, found itself, if I may put it in this way, commuting as many death sentences as it could, with the result that the number of hangings taking place during its term of office was greatly decreased.

Mr. Vincent: What is the position now? There are none.

Mr. Knowles: Since that time the government which came into office in 1963 has commuted or deferred decision on all death sentences. The result is that we have not had