

Criminal Code

They now feel they can work in unity under this new arrangement and if this legislation is passed by this house the movement will be known as the Free Methodist Church in Canada.

Motion agreed to, bill read the second time and referred to the standing committee on miscellaneous private bills.

SECOND READINGS—SENATE BILLS

The Acting Speaker (Mr. Rea): As there are a number of divorce bills standing for second reading, is it the pleasure of the house that these bills be taken in one motion?

Some hon. Members: Agreed.

Bill SD-340 for the relief of Timothy Allan Moran.—Mr. McCleave.

Bill SD-341 for the relief of Antonio Choma.—Mr. McCleave.

Bill SD-342 for the relief of Helen Ruby Riley Onions.—Mr. McCleave.

Bill SD-343 for the relief of Simone Alberta Chretien Welsh.—Mr. McCleave.

Bill SD-344 for the relief of Edward John Mendelsohn.—Mr. McCleave.

Bill SD-345 for the relief of Marcus Gilmour.—Mr. McCleave.

Bill SD-346 for the relief of Joyce Rosemary Hudson Plam.—Mr. McCleave.

Bill SD-347 for the relief of Bernard Lawrence Boire.—Mr. McCleave.

Bill SD-348 for the relief of Marie Madeleine Marielle Faust Morin.—Mr. McCleave.

CRIMINAL CODE

AMENDMENTS RESTRICTING CAPITAL PUNISHMENT TO CERTAIN OFFENCES

The house resumed, from Tuesday, March 24, consideration of the motion of Mr. McGee for the second reading of Bill No. C-18, to amend the Criminal Code (capital punishment).

Mr. R. J. McCleave (Halifax): Mr. Speaker, when my remarks were interrupted on March 24 I at that time had had an opportunity to make a short statement approximately ten seconds in duration in which I stated to the house that like the hon. member for Vancouver East (Mr. Winch) I, too, had witnessed a hanging several years ago but that unlike the hon. member I still believe that hanging should remain a part of our system of justice.

I did not think at that time there would be an opportunity to continue the debate. I am thankful it has arrived at last and that I will have an opportunity to speak about some of the remarks that were made by the

[Mr. Morton.]

sponsor of this bill, the hon. member for York-Scarborough (Mr. McGee), and those made by others who preceded me in the debate on March 24.

The house will recall that the three hon. members who led off the debate on that occasion were in favour of the abolition of the death penalty. I was the sole speaker on that occasion who advocated its retention. The resumption of the debate this afternoon affords me an opportunity of presenting some of the arguments that were discussed on the previous occasion as seen through the eyes of an anti-abolitionist.

The hanging that I witnessed took place at Headingley jail outside of Winnipeg in 1948. As I said on March 24, it was an inhumane sight that I witnessed. A considerable amount of controversy raged on the subject and several hundred thousand residents of southern Manitoba and the Winnipeg area had signed petitions asking that the death penalty be commuted to life imprisonment. Notwithstanding the petitions or the fact that a good case perhaps might have been made for manslaughter on the basis of the facts of the case, the death penalty was carried out. Even assuming that the man was wrongfully hanged and that the case was one of manslaughter, I have not changed my opinion concerning the fact that we should retain hanging as a punishment within the framework of our legal system. In short, what I am suggesting to hon. members who previously took part in this debate including the hon. members for York-Scarborough and Vancouver East is that a personal aversion or prejudice to the actual event of hanging should not colour one's emotion in reaching a decision on this subject. Judgment should not have to depend on a personal prejudice. I hope never to witness another hanging but I daresay one could become just as ill as I felt on that occasion as a result of watching a surgical operation. I strongly submit that personal opinion or prejudice should not affect one's judgment and I shall develop this theme more fully as I deal with the arguments that were advanced by those who preceded me in this debate.

One of the usual attacks of the abolitionists camp is that those who have been hanged were not guilty. They can point to an impressive number of cases and argue on them saying that these individuals were wrongfully hanged and therefore hanging should be abolished. For example, almost any student of criminology is familiar with the famous Bywaters-Thompson case in England in the mid 1920's. This was a case which created a great deal of controversy at that time because Mrs. Thompson eventually went to the gallows and