

*Supply—Justice*

**Mr. Nugent:** I thought I had expressed my own hesitation about this. I am not sure whether my revealing this practice does not make me guilty in a way. But I feel it my duty to apprise my client of the prospects for his future, rather than to achieve the cheap political gain of which I accused the hon. member for Winnipeg North Centre. I think there is a difference there which should be apparent even to the hon. member for Greenwood.

Perhaps the hon. member for Greenwood finds that the judges who try his cases are all perfect. I do not think I suggested that the judges double the sentence every time; I simply said this was possible. I know that this factor I have mentioned works on the mind of a judge to such extent that I feel it necessary to warn my client that the sentence might be more severe if he asks for a jury trial. I will go so far as to say that I know of one judge in Alberta who told me—no one will get his name out of me—that if a client of mine was found guilty in a jury trial he would give him double because, as he put it, "we can't waste time with juries".

Judges are only human and this does happen infrequently. However, I did suggest to the Minister of Justice that having weighed these human elements and other factors which unfortunately do come into the situation, whether we like it or not it might be as well to have the option of a speedy trial by judge alone. If you want a speedy trial you ask to be tried by a judge alone; but certainly any case going to the supreme court should be tried by judge and jury. This procedure is not so expensive in Alberta where we use six man juries.

I do not pretend to have much experience of jury trials, Mr. Chairman. In fact I was on the first and only murder trial in the history of Canada that was tried by judge alone. I remember I found it rather amusing in our last debate on the subject of capital punishment in this house, being an exponent of the abolition of capital punishment, to realize that the vote on the matter was held on a Tuesday evening and that the man I had defended was due to be hanged on the Wednesday. So many of my friends accused me of fighting a little beyond the court of last resort, to which most lawyers usually go in order to save a life. But it did not matter, because this government commuted the sentence.

I should like to say something about that subject. I appeared on a television program

[Mr. Brewin.]

with the hon. member for Nanaimo-Cowichan-The Islands—he will forgive me if I have mistaken him for somebody else—and we were asked about the commutation of sentences. The hon. member said: "Well, you know, if you break down the vote and see those who voted for abolition and those who voted against, you will find that those who voted for abolition represented the more populous constituencies and therefore represented the most people, and that really the popular vote was for abolition".

I remember that I rejected that out of hand. I think it is ridiculous for hon. members of this house to look behind the qualifications of any member of this house in the sense of how many people he represents. I remember that on that program I went so far as to say that when parliament has spoken with a majority voice, if we have responsible government—and there is much reason to doubt it these days—a government that believes in being responsible to the people, then the government must obey. On the last vote on this question parliament said "We want them to hang". But the government said "Parliament be hanged", and that is all.

I am an abolitionist but I would rather abolish this government. I think the welfare of this country necessitates the abolition of this government. I would not care if the house spoke against what I hold nearest and dearest to my heart. I would urge the government that they must obey parliament—and I have nothing but contempt for this government that, in turn, shows contempt for this house, which represents the voice of the people.

Hon. gentleman opposite say we are going to have a free vote on the next bill to come before us. Let me tell you what I think of that free vote, Mr. Chairman. Let me tell you what I think of the honesty of the people over there who support such a dishonest government. How can you expect an honest vote?

**Some hon. Members:** Shame.

**Mr. Nugent:** I will vote for abolition, but I am going to be ashamed to vote when I see the switch in voting that takes place over there. I am sure they are going to vote, not from the heart but for political considerations.

**Some hon. Members:** Oh, oh.