

*Criminal Code*

There was the further evidence of this doctor for the defence that upon his deductions the girl died two or three hours later than the time fixed by the crown's medical evidence, at a time when Truscott had a clear and watertight alibi. Other medical evidence was introduced as to injuries on the body of Truscott himself. This evidence was at the very best equivocal, and indeed was contradicted by the medical testimony for the defence.

Other boys gave evidence which, if believed, clearly corroborated Truscott's own story that he had left the girl at a crossroad and returned alone. It was suggested by the Crown that these boys were lying. But if this is so, it is strange that they gave their story at once before Truscott was charged or any suspicion at all was attached to him. One is the striking features of this case is its psychological aspects. If the crown's view, and the view that prevailed, was correct and Truscott in fact committed this crime, he was a most abnormal and extraordinary youth. He not only committed, on a very hot summer's day, a sadistic, almost ritualistic crime but he was able to appear very shortly thereafter perfectly calm and collected, in no way disarranged in manner or dress, and carry on the normal activities of a boy, and then under persistent questioning and with remarkable consistency tell precisely the same story that he is telling to this day.

That story is of his having taken the girl to the crossroads in question, well away from the alleged scene of the crime, and having returned alone. As I said, Mr. Speaker, the boy must have been of an extremely abnormal type to have done these things if the crime was committed by him. But in all respects, both before and after the event he appears to have been a normal boy. There are many other aspects of the evidence which in my view would justify a conclusion that a mistake has been made. Some of you may ask, how could such a mistake be made? I think the answer lies in the atmosphere created by the fact of such a horrible crime and the publication of crown evidence given at the preliminary inquiry which certainly seemed to point in the direction of Truscott's guilt.

Mrs. LeBourdais in her book quotes the editor of the Goderich newspaper as saying in answer to a question as to whether everyone in Goderich thought the boy to be guilty before his trial, "I never met anyone who didn't". I should like to make it clear that I

do not refer to this case, or wish to refer to it, as indicating that the administration of justice in Ontario or elsewhere in Canada is either corrupt, inefficient or callous. It is not. I do believe however that this case indicates something that those familiar with the administration of justice well know from their own experience, namely that it is fallible and that mistakes can be made, particularly in the atmosphere created by the commission of horrible and detestable crimes.

● (5:10 p.m.)

I was myself involved in a case in which twice a jury returned a verdict and the third time a judge came to the same conclusion. It was not until the fourth trial that it was clearly proven and accepted by another judge that the whole evidence upon which those decisions had been based, the decisions of two judges and a jury, consisted of fabrication, perjury and was part of a deliberate plan of extortion. I have been through that experience and I know it is possible, in the best of good faith, for errors to be made.

The relevance of the Truscott case to this debate should be obvious. Truscott was condemned to death, and this boy of 14 years of age heard these fateful words:

That you be taken from here to the place from whence you came and kept in close confinement until Tuesday, the 8th day of December, 1959, and upon that day and date you be taken to the place of execution and that you shall be hanged by the neck until you are dead. And may the Lord have mercy on your soul. Remove the prisoner.

**Mr. Winkler:** Will the hon. member permit a question? Is it possible, under the law as it stands today, for such a person to be hanged?

**Mr. Brewin:** No, I believe not. I think there was an amendment in 1961 that made it impossible to hang a youth of this age. However, I feel the hon. member will grasp my point when I go a little farther. Although it is quite true that a boy of this age could not have been condemned to death under the law as amended in 1961, nevertheless the point I am about to make remains.

By reason of his youth, Truscott's sentence was commuted to life imprisonment. Mrs. LeBourdais, and many others who have read her book, are doing their very best to have this case reviewed. But had Truscott been an older man, he would have been hanged by the neck until he was dead and there would be no way of reversing this irreversible verdict.

I think I am able to speak with some degree of experience about the fallibility of