

*Criminal Code*

the main witnesses for the crown was a man named Christie, who occupied a flat in the same house, who said that he heard sounds that fitted in with the idea that Evans was guilty of the murder not only of his daughter but of his wife. After Evans had been executed a new tenant moved into Christie's flat and found hidden behind a wall, not one but three human bodies. All three had been strangled. Under the floor a fourth body was found, and out in the yard two more bodies were found. All these women had been strangled.

At the trial of Christie the defence that was set up was insanity. Christie went into the witness box and admitted that he had murdered not only his wife but all the other women whose bodies were found on the premises, including Beryl Evans. He denied that he had killed the child, but it was perfectly obvious that the person who had killed the wife had also killed the child. This, therefore, is a well-authenticated case in Great Britain, which some of us call the home of justice, wherein the administration of justice made an error; but it was too late to bring Evans back to life and make restitution to him.

As recently as 1965, Mr. Arthur Martin, who has already been mentioned in this debate and who, as most members know, is a very distinguished criminal lawyer, spoke at a panel discussion to some members of this house. He referred to a recent case in New York of a coloured boy of 19 who was accused of murder and from whom a confession was secured. Mr. Arthur Martin said:

Only this year in New York an innocent man by the name of George Whitmore narrowly escaped execution for the murder of two young women when the actual murderer was apprehended for another crime and confessed to the killing.

To show that even the most efficient prosecutors can be mistaken I wish to read what a member of the district attorney's staff said:

I was one of those who was absolutely sure that Whitmore had killed the girls. There was no shadow of doubt in my mind—reasonable, beyond a shadow or any other kind. Now I am satisfied Whitmore is innocent. If this had not been a celebrated case, if this case had not aroused the tremendous publicity it did, if this were what we call a run-of-the-mill murder, Whitmore might well have slipped into the electric chair for something he did not do.

Now I want to come to a case that is closer to home and indeed is on the minds and lips of many members of this house. I refer to the case of Steven Truscott. Many members in

[Mr. Brewin.]

this house will have read Mrs. LeBourdais' detailed and thoughtful analysis of this case and of the trial. Some of the members of the house have even visited Steven Truscott and have talked with him. Even at this moment the government and the Solicitor General (Mr. Pennell) have undertaken a review of this case to determine whether, as the book requests, a royal commission should be arranged to inquire into it.

Different minds will no doubt receive different impressions from the facts of this particular case. It would no doubt be premature to arrive at any final conclusion as to the guilt or innocence of Steven Truscott without a searching examination not only of the evidence at the hearing but of the facts and arguments outlined in Mrs. LeBourdais' excellent book, and other facts and circumstances that may now be available. Notwithstanding this—I say this in all seriousness—I and a good many others who have read the book, and some of whom have read the evidence at the trial and studied the case in detail, as well as Mrs. LeBourdais, have come to the conviction that a grave error was in fact made.

I do not want to review the facts of this case in great detail. Steven Truscott, for those who have not read the book, was a boy of 14 years of age who was convicted at Goderich in 1959 of a particularly horrible sexual murder of a small girl 12 years of age. There was no direct evidence of his being connected with or guilty of the murder. The chief evidence that purported to link him with the crime was medical evidence as to the hour of the girl's death, which was deducted from an analysis some days later of the contents of her stomach. By fixing through these deductions the time of death as being shortly after the boy was admittedly in the company of the girl, he was linked with the commission of the crime.

The jury appear to have overlooked damaging cross-examination as to the correctness of this medical evidence and very little attention seems to have been paid to the evidence of a medical expert for the defence who, although not as well known locally, had very considerable experience. His evidence pointed out the grave danger of making deductions as to the time of death from such an analysis made some time later. I may say that the evidence of this medical witness for the defence is fully supported by numerous medical authorities.