

Proceedings on Adjournment Motion

I make no apology for bringing up the subject of contempt of court, Mr. Speaker. If you wish to look at page 20 of today's "Routine Proceedings and Orders of the Day" you will find under item No 45 that on January 24 I introduced a bill in this house "to amend the Criminal Code (contempt of court)". The fact that this bill was introduced on January 24 and has not yet been discussed, next week being November, shows that hope springs eternal in the human breast. I would also remind you that hope denied maketh the hearth sick, and I am not going to mention whom it makes sick the most.

On this subject of conviction for arson, theft and contempt of court I can see no reason why the quality of mercy should be so constricted. The best known reference to mercy is Portia's address in the Merchant of Venice, where she says:

The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven
Upon the place beneath.

The rain from heaven does not drop only on the red heads upon the place beneath, and it does not drop on the bald heads upon the place beneath but on everybody upon the place beneath.

Some years ago the hon. member for Rosedale (Mr. Macdonald) used the expression in this house "as impartial as rain". I only wish that the cabinet in its exercise of mercy would be as impartial as rain and apply this exercise to all classes of people who fall into the clutches of the law and not only the worst of them all, blood criminals.

Now, Mr. Speaker, I would remind you that in this expression "the quality of mercy is not strain'd", Shakespeare was using the verb "strain'd" to mean that it is not compulsorily enforced. If the quality of mercy is exercised only under compulsion or by force in certain cases, it is not really mercy. Mercy is spontaneous and all-inclusive.

I would remind you, Mr. Speaker, that while some may be very familiar with the quotation from Shakespeare's "The Merchant of Venice", perhaps not many remember the expression from Romeo and Juliet which is contained in Friar Laurence's comments, that:

Nor aught so good but strain'd from that fair use
Revolts from true birth, stumbling on abuse,
Virtue itself turns vice, being misapplied;—

I would state, Mr. Speaker, without qualification that the cabinet is exercising the virtue of mercy in a strained manner. They

[Mr. Cowan.]

are looking over the country for convicted murderers to whom they can show mercy. They show mercy to a convicted murderer in Halifax. They show mercy to him in Prince Rupert. They show mercy to him in Windsor. They show mercy to him in Hamilton. Why can they not show mercy in cases of arson or theft or contempt of court in, say Peterborough, where the Prime Minister and I spent our boyhood? Why cannot they show mercy for contempt of court, say, in Vancouver? They showed mercy there to a murderer for whom there was no recommendation of mercy made by the jury just a few days ago. It is quite evident that we do not have to have a recommendation of mercy from a jury in order for the cabinet to exercise what they think is a God-given virtue.

In the case of the chap in Edmonton who murdered his wife and a friend there was no jury to make a recommendation of mercy; he elected to be tried by judge alone. But the sentence of death was commuted without, as I say, a recommendation for mercy. Then there is the case of the "Santa Claus" killer, who received no recommendation for mercy; yet the sentence was commuted.

So since the cabinet are commuting sentences now on the most vile criminals when there is no recommendation for mercy, why can they not show mercy in the case of arson, or theft, or contempt of court when there is no recommendation for mercy, there being no jury at the time of conviction?

Now, Mr. Speaker, I would ask the cabinet whether it is going to continue to fly in the face of the law. Although the Prime Minister said during the debate on the matter that everyone observes the law, once the expressed will of parliament has been shown I would ask the Solicitor General whether the cabinet is going to fly in the face of the law on the question of murder. Why cannot they interfere with the exercise of the law in these other crimes that are committed?

● (10:30 p.m.)

Portia tells us that earthly power doth then show likest God's when mercy seasons justice. How is it that the cabinet only uses mercy in certain recipes, in those involving blood murderers. Why do they not put some of this seasoning of mercy in other sentences handed out in this country. I would ask the cabinet: What are you trying to do? Are you trying to pamper wilful murderers while hampering working men?