

Northwest Territories constituting the central part of Canada. That was my idea when I suggested a further augmentation rather than suggest for the present the two units, as I think will be accorded the west in the lifetime of this generation, or appear to suggest that the people of the western provinces would be content with one unit as a final solution.

Motion withdrawn.

TRIAL OF WALTER BLYTHE.

Mr. T. G. WALLACE (Centre York) moved:

For a copy of all papers, letters, telegrams, documents and correspondence with reference to and in any way concerning the postponement of the execution of Walter Blythe and also of his second trial.

He said: It is only right and just to the constituency I have the honour to represent, where considerable dissatisfaction exists, and having been brought to my attention with the postponement of the execution, that I should move to have the papers brought down.

Hon. A. B. AYLESWORTH (Minister of Justice). For one reason I do not regret that the hon. gentleman has placed this notice of motion upon the Order Paper. That reason is that it gives me the opportunity to explain what possibly may be an entire misapprehension in the minds of some people as to the position of this case. But apart from that reason, I am very sorry to see a motion of this character proposed in the House. There have been two or three previous occasions, during the few years I have been Minister of Justice, upon which similar motions were made; and on each of these occasions I have tried to explain why it was extremely undesirable that papers of this character should be ordered by the House. The relations which necessarily exist between His Excellency the Governor General and his advisers regarding the exercise of clemency are of more than usually confidential character, and I am scarcely able to imagine a case in which it would not be better, in the public interest, that the exercise of clemency or the refusal to exercise it should not be the subject of public discussion. The King, under our constitution, is not only the fountain of justice, but it is his most distinguished prerogative that with him rests the pardoning power. That personal prerogative he delegates to each Governor General by his own letter of instructions and by special directions signed with the royal hand. The power to pardon, the right to exercise clemency, rests entirely with the Governor General of Canada for the time being. In capital cases His Majesty's instructions to the Governor General are not to act except upon the advice

of his privy council, but in other cases he does not take that advice. The government as a whole is not responsible for the action which may be taken with regard to any criminal condemned, except in capital cases, but in these the Governor General acts only upon the advice of his cabinet and upon the government of the day rests the responsibility. The case referred to in this motion is of that character, and I think I might content myself, in objecting to the passing of the motion, with the statement of fact that the man who was reprieved was afterwards awarded a second trial upon the ground that there had been a miscarriage of justice in the first, and upon that second trial he was found by the jury not guilty of the capital offence of murder, and as a consequence is now a prisoner in the penitentiary for a term of years. That circumstance surely demonstrates how dreadful it would have been had His Excellency not intervened and granted the reprieve which postponed the execution. I wish to say further that, judging from references to this case which I have seen in the newspapers and reports of statements said to have been made by men of the locality, another very great misapprehension as to the facts seems to exist. It seems to be thought that there had been repeated exercise of the power to reprieve on the part of His Excellency the Governor General in Council. That is a mistake. The prisoner, who had been found guilty of murder and condemned to death, and sentenced to be executed upon a certain day, about the middle of May last, was, on the day previous, reprieved by order of His Excellency. For that reprieve the government necessarily takes the fullest responsibility. That reprieve having been ordered by His Excellency—and I may say at once the reason for it was simply that the House of parliament, being then in session, there was absolute necessity for time to give further consideration to the case, and it was impossible to give that necessary time before the date which was set for the execution—that one reprieve, or postponement of execution, however, having taken place, His Excellency's advisers decided that they could not recommend any interference with the sentence of the court, and there was an absolute end of any further interference with this case, or connection with it, so far as His Excellency's advisers are concerned. There were renewed applications to different members of the council, to myself, and I think to the First Minister and possibly to other members of the council, in an effort, on the part of those who were interested in the prisoner, to secure further delay, or to secure some advice which might lead to a commutation of the death sentence. Those efforts were entirely fruitless. No further advice on the matter was tendered to His Excellency,