

tences. Thirty-seven of these were commuted, and twenty-eight of the really poor unfortunate, unreturned prodigals were sent into eternity. It will readily be seen by the above figures that capital punishment has been abolished in Canada, excepting for the really poor. When the Minister of Justice turned his thumbs up for the 37 cases, why did he turn them down for the poor 28? I think the Minister of Justice would have been better satisfied with himself to-day if he had turned his thumbs up in every case, and granted mercy to the poor pleading mothers and children who begged for mercy. The simple fact is that capital punishment increases the number of murders because of the reluctance of the average citizen to impose an irrevocable sentence upon his fellow man. The responsibility is too great, and the fear of depriving an innocent man of his life is too strong for the average jurymen, so he compromises. But under capital punishment there is really no compromise. Either the man accused is guilty and must go to the gallows, or he is innocent and must be allowed his liberty.

Until we can be absolutely certain that the man on trial for his life committed the crime, with which he is charged, there is more of the element of injustice in capital punishment than in its abolition. We are all influenced more or less by our impressions, mental and physical. The occasional story, in the newspapers, which relates the ghastly mistake of justice whereby an innocent man is made suffer the penalty of the guilty, is familiar to everybody. Every error on the part of those entrusted with the carrying out of the law or its administration has its effect psychologically. It is only a few months since the daily press featured the story of the Kingston convict who was released from prison instead of another victim who bore the same name. That incident is impressed on the minds of many who may one day be called to sit in a jury box and hear arguments why the man in the dock opposite them should not be taken out and hanged.

We must admit that in many cases justice is not infallible. Under the life sentence system for capital punishment the jurymen realizes that the accused, even if convicted, is still in a position to demonstrate his innocence, if innocent he be. He may direct his campaign for vindication as long as hope holds out. If guilty, the sentence safeguards society, and upholds the majesty

of the law as effectively, if not more so, than the infliction of the awful and repulsive penalty of capital punishment. Capital punishment is unjust to the criminal, as it affords him no opportunity of reform; it is unfair to his family; it disgraces them, and robs them of their only means of support. Capital punishment is irrevocable, and makes no allowance for varying degrees of guilt; it is wrong in principle, and does not protect society.

The chief reasons advanced by people who believe that the State should punish murder with murder, just as in olden times it was customary to burn alive a man convicted of incendiarism, may be grouped under four different heads. The first to be considered is the ancient theory of retribution, and, secondly, the argument that the example afforded by the execution of the murderer will deter others from similar crimes. The third reason offered is the necessity of protecting society from its vicious members, and the fourth argument, which is included only by sufferance, is the extirpation of all capital offenders as a class.

That was tried in England, as my hon. friend knows, but did not succeed. There would have been very few Englishmen left if every man who had stolen anything had been hanged.

When the women of Canada get their rights, as they surely will at an early date, and contribute to making the laws; when the mothers of Canada get the right to vote, there will be no more legalized killing, and very many less murders.

It has been conceded by some of the most eminent physicians that any man committing a murder has an unbalanced mind at the moment. At the moment, at least, he is temporarily insane. He may be enraged through a sense of being wronged, or through kindred emotions, and is in no mood to weigh the results of his acts, or to take account of punishments confronting him. It is sad to believe that much of the prejudice in favour of the gallows may be traced to three discreditable sources: First, the spirit of vengeance, which surely does not properly belong to man; secondly, unworthy timidity, as if a powerful civilized community would be in peril, if life were not sometimes taken by the Government; and, thirdly, blind obedience to the traditions of another age. But rack, thumb screw, wheel, iron crown, bed of steel, and every instrument of barbarous torture, now rejected with horror, were once upheld by the same spirit of vengeance, the same