

ground. My hon. friend from Kingston (Mr. Nickle) has cited the Bible and the Mosaic law, but I prefer the more humane law laid down in the New Testament, the law of forgiveness. I think the tendency of humanity to-day is towards forgiveness rather than towards revenge. We may object to capital punishment on many grounds. First on religious grounds, because it may deprive the sinner of the full time for repentance. My hon. friend from Frontenac (Mr. Edwards) said that a man who was hanged was just as well prepared to meet his Saviour as a man who was left to rot, mentally and morally, in prison. It is true that the courts of justice give more time now between the trial and the day of execution than formerly; it is not many years since the accused in England was executed on the same day he was found guilty. Even now, the time is comparatively short, and if a person is allowed to live to the end of his natural life, he would have more time for full repentance and full reparation.

Mr. C. A. WILSON: Or to get worse.

Mr. PROULX: Some may get worse, but as a general rule I think the prisoners would be better prepared at the end of their natural life to meet their Saviour. Again, we may take objection to capital punishment on medical grounds, on the ground of mental irresponsibility. I do not think it can be denied that there are many cases of homicide committed through irresponsibility, through a person losing control of his senses. I have not had a very large experience in criminology, but I defended two persons charged with murder. The first year I was at the Bar, I had charge of the defence of a man who had committed a double murder. I never had any doubt that this man was not morally guilty, although he was legally guilty. I put up a special plea of insanity, but as members of the Bar in this House know, legal insanity is very hard to prove. Not every kind of insanity will be admitted in a court of justice. This man, as soon as he had recovered his senses was really repentant. In fact he wanted to plead guilty, and it was against his will that I entered a plea of not guilty. Two medical experts were called, Dr. Clarke, now of the Toronto Asylum, and then Superintendent of the Rockwood Asylum and Dr. Beemer of the Mimico Asylum. They examined the accused a few months after the offence was committed: he had recovered his full senses at that time. They could not find him in-

[Mr. Proulx.]

sane according to the definition in the Code. I certainly thought it was a case of cerebral insanity. I think there are quite a few medical men who believe in this species of insanity. Dr. Clarke himself had given a lecture some months before at Peterborough before the Medical Association on this very subject, but he would not admit that my client came within the definition. His insanity was brought on by heavy drinking, and I always feel that in cases of that kind the man is not morally guilty. Another ground on which we can object to capital punishment is that it is not really a deterrent. It is inflicted in so few instances that criminals discount the risks of undergoing it. As my hon. friend from Qu'Appelle (Mr. Thomson) said a few moments ago, those who commit murder, do so because they feel practically sure they will not be detected and punished. There are very few cases in which the person who commits the crime thinks or even dreams that he may undergo sentence of death. If we take the legal ground that the sentence being irrevocable and the evidence often circumstantial only, there is a great risk of gross injustice in executing the person convicted of murder. There are many cases in which there is only circumstantial evidence. My legal friends may say that in many cases circumstantial evidence may be stronger than direct evidence. That may be true, but as when an innocent man is hanged the damage is irreparable, we should be very cautious before executing any man convicted of murder.

Even when the evidence is direct, persons may perjure themselves or may be mistaken and although it has seldom been proven that innocent persons have been hanged, it still is a fact that in almost every country there has been a strong conviction amongst the people that some persons who have been hanged might have been innocent. Only the other day we discussed the case of a poor Italian sent up for fifteen years' imprisonment for attempted murder. He has passed five years of his life in prison. I will not say that he was actually innocent but still there was a strong presumption that he was by the fact of some of the persons giving evidence against him being of the criminal class. And lastly I am opposed to capital punishment on moral grounds because capital punishment does not fit the case or effect the reformation of the offender. We cannot repair the loss of a life by the loss of another one and it certainly does not effect the reformation of the offender, be-