

extent owing to the fact that heretofore between eighty and ninety of the prisoners have been employed at lock-making, and of course prisoners who are employed in indoor work can be guarded with a less force than when they are engaged in outdoor work. He represents that, in view of the very large prison population, and it being necessary to find employment for them out of doors, he cannot guard them with the present force. In fact he has asked for a considerably larger increase in the force than I have decided to give him. It is proposed to appoint three additional keepers.

Sir RICHARD CARTWRIGHT. How does the hon. gentleman propose to employ these convicts? As I understand, the lock-making is discontinued. What are the convicts now employed about? To the best of my recollection only about one hundred or so can find employment on the farm.

Mr. THOMPSON. I had a report a few weeks ago from the warden in reply to a statement which appeared in the public press as to the non-employment of prisoners. I am not now in a position to make a statement as to how they are being employed, but the warden assured me that every man was usefully employed in connection with the prison. He stated then—and that was at the beginning of the season—that he could find employment for them on the farm, and that up to that time they had been employed. There are two or three propositions under consideration with regard to the useful employment of convicts which may not interfere with any industry which exists in Canada now. I cannot mention them now with any confidence, but I may say that one of them is mat-making, at which industry convicts are very largely employed in the United Kingdom, and some appliances are being imported now in order to see whether an industry of that kind can be set on foot in our penitentiaries without causing any improper competition without outside labor.

Sir RICHARD CARTWRIGHT. I saw a report in the public press that it was under the consideration of the Government to shorten the sentences of a considerable number of these prisoners, if not the great majority of them, in this jubilee year. I should like to know if that report has any foundation in fact.

Mr. THOMPSON. The statement has no foundation in fact. I have endeavored to give the best consideration possible to any representations which have been made on behalf of prisoners, for commutation of sentences, but in my opinion it is not proper that any general consideration should be given to the fact that this is the jubilee year in dealing with the criminal class.

Sir RICHARD CARTWRIGHT. I am not at all disposed to question the reasonableness of the hon. gentleman's decision myself, but I desired to know what decision the Government had arrived at on the matter. However, I may take the opportunity of calling his attention, and also the attention of the House, to this fact, which, I presume, has come under the notice of a considerable number of members besides myself. There does appear to be an enormous inequality in the sentences inflicted by the different judges for precisely similar offences committed, as far as it is possible to learn, under precisely similar circumstances. Has that point been brought under the attention of the Government? and does the Minister of Justice think that it is a matter which should be taken into consideration? Of course, we all know that in certain phases there is a very wide range, properly, in the punishment inflicted; but I speak of the difference in the sentences inflicted by different judges. One judge would give a sentence of 14 years—I have known such cases, not unfrequently—where another judge will be content with five or even three years; and it does appear to me that this extreme inequality must have a more or less mischievous effect upon the minds of

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the public at large, or on the minds of the prisoners, which is a matter not altogether to be lost sight of.

Mr. THOMPSON. The matter does occasionally come up, and it is generally brought to our notice by philanthropic persons who are surprised at the inequality of the sentences which are reported in the press. Whenever such matters are brought to my notice I take some care to investigate the causes, and enquire from the judges imposing the sentences as to the reason for the severity exercised, or the inequality, as compared with other convictions occurring at about the same time. It generally transpires that circumstances have entered into the consideration of the judge imposing the sentence, which were not understood by the persons reporting it to the press. Occasionally there are circumstances connected with the case which give it an aggravated character, or mitigate the criminality, but occasionally there are circumstances outside of the record which the judge has to consider, as, for instance, the record of the criminal, his previous convictions, the hopelessness of a light penalty making a due impression on him; and in many cases it has been found that sentences somewhat severe, have been called for by the state of criminality of that particular kind, and its prevalence in a particular district; and occasionally in cases of that kind, the judges have intimated that the imposition of a heavy sentence has had a beneficial effect in deterring crime, and they have recommended that the sentence be subsequently reduced. As far as possible all these cases are investigated, and I recognise it to be my duty to investigate them when they are brought to my notice. I may mention in this connection that there exists not only this apparent inequality in the sentences imposed by the same judges, but there is a marked inequality between the sentences imposed in the various Provinces. In the Maritime Provinces, for example, it is nothing unusual to see crime punished with nearly double the severity that is employed in Ontario and Quebec. On that subject I took occasion to mention to some of the judges in the Maritime Provinces the practice of their colleagues on the bench in the larger Provinces, and intimated that they might be punishing crime with greater severity. However it would be rash in me to state that instances have come to my knowledge that will justify me in saying that undue punishment is in any case awarded. I think the inequality which the hon. member refers to, has been repeatedly noticed in Great Britain, and investigation is very commonly made by the Home Secretary on complaints of that kind, whether made in the press or in Parliament, and it is almost always found that circumstances such as I have mentioned—the state of the crime in the neighborhood, the prevalence of that particular crime, the bad record of the prisoner, or aggravated circumstances connected with the case, and which did not appear in the press at all—have occasioned the inequality which was somewhat startling.

Sir RICHARD CARTWRIGHT. It is a delicate subject, and I do not press it, although I suspect there is one consideration which the hon. gentleman, properly, perhaps, did not allude to, and that is the varying temperament on the part of the trying judge. That has a good deal, in my poor opinion, to do with the different sentences. As I understand the Minister of Justice, he does not propose to employ in future any of these convicts in indoor work except such work as may be considered to be domestic.

Mr. THOMPSON. That is all.

Sir RICHARD CARTWRIGHT. That would leave to the warden a large number of convicts to find employment for. The hon. gentleman intimated just now that there was some scheme under consideration; I would like to enquire of him whether he has considered a scheme of employing convicts, as they have been employed in other cases, in the