

nor a desire for plunder, because all the goods of the pedlar were found on his person. It was ascertained that whoever killed the man, he never approached the dead body, for there were no traces of footsteps near the body. The man who killed him evidently had run away. The jury did not inquire whether there was any motive for committing the act, because the simple question submitted to them was, who was the author of the killing, who did it? And the jury simply came to the conclusion that the guilty party was the boy and could be nobody else. Under these circumstances the jury brought in a verdict of guilty. When the poor boy found himself face to face with the consequences of his act and his indiscretion, he did what he should have done long before. He should, when arrested, or at all events at the trial, have stated the circumstances. He would have shown greater wisdom and intelligence if he had surrendered himself and stated the facts such as they were presented afterwards. But his intelligence was of that character which supposes that if there was no witness to the commission of an act of killing there could be no verdict of guilty rendered. He was under the impression that no one having seen him, the circumstances being such that he could not be pointed out as the author of the act, if he did not speak he would escape conviction. But he was convicted. If he had been a brighter boy, more educated and possessed of a larger mind he would have come to the conclusion that under the circumstances the best thing to do was to make an open confession of everything that had taken place. But, being brought face to face with the consequence of his act, then the boy made a confession, and I ask my hon. friend (Mr. Borden) does he not think it impossible to explain the killing of that man by any other circumstances than an accident. There cannot be any motive given for that killing. My hon. friend (Mr. Borden) has submitted for consideration as to whether there was manslaughter or murder, but under the circumstances this question does not arise, because admitting that the boy committed the killing with the gun which was in his hand, you cannot find any reasonable motive for the act, and the advisers of His Excellency had to advise as to what should be done with a lad of seventeen years old, who undoubtedly by an act of his had killed a man, but for which killing there was no possible motive, no motive of revenge, no motive of plunder, no motive of gain to the boy. I ask any hon. member in this House, what would he do if he had to deal with a human life under such circumstances? My hon. friend (Mr. Borden) argued that suppose this boy had been tried in a civil action, and that he had acted foolishly in not disclosing the whole of his case and in not giving his defence, and the jury passed upon it, the hon. gentleman asked would

anybody think of reopening the case. Certainly not. If it had been a civil case nobody would have tried to step in between that man and the courts, but on the contrary it was a criminal case which involved the life of that boy and the question arose: Were we to send him to abide by the consequences of an act which was an accident, and as to which he was foolish enough not to give his defence to his counsel. Whatever may be the technicalities of the law in this respect, for my part I would not hesitate to take the course which was taken. It may be that my hon. friend (Mr. Borden) may happen to be Minister of Justice in the remote future, and when he himself has to assume the responsibility of passing upon life and death, he will I believe always take the merciful side rather than the technical side of the case.

Mr. BORDEN (Halifax). As the right hon. gentleman has made an appeal to me with regard to one or two matters I would like to add a few words. It is apparent that I have not made myself clear to the right hon. gentleman, because he has followed exactly the line of the Minister of Justice. He says, in the first place, that there was only one question submitted to the jury, namely, as to who actually occasioned the killing. If I could for a moment believe that, I would be the first to say that there at least should be a new trial and probably a remission of the sentence. But I think I know Mr. Justice Ritchie too well to suppose that in instructing the jury he did not give to them explicit direction as to what constituted the crime of murder, and what they must believe before they could find a verdict of guilty. The right hon. gentleman presumes something which could not possibly have taken place. Mr. Justice Ritchie in directing the jury would tell them what constituted the crime of murder, and he would tell them distinctly what they must believe before they could find the man guilty. My right hon. friend cannot take refuge in any such idea as he has suggested, for it is absolutely inconceivable. The right hon. gentleman recites all these things that the Minister of Justice has recited in his report, and he says, having regard to all these things: We could not confirm this sentence. But the right hon. gentleman does not have to confirm anything. The sentence does not require any confirmation by the Government. The question is as to whether the clemency of the Crown shall be exercised either in remitting or commuting the sentence, or giving a new trial. Let me point out to the right hon. gentleman that if the question which he says was the real question in the case, was not submitted to the jury, whose fault was it? The Crown proved their case when they proved the killing. It was for the prisoner to submit this question to the jury. Suppose that I granted to the right hon. gentleman his argument so far, what would follow from it? He seems to think that