

that the other one shot the policeman, but of course it is held in law that, where two parties go out to commit a crime which has within its view the doing of violence to the persons of others, and where in the act murder is committed, both parties are equally guilty of the crime, and I do not see what quarrel there can be with an attitude of that kind. In the case of Clark and Davis, it was established beyond any possible doubt that they went out deliberately knowing what they were going to do.

Mr. BICKERDIKE: No.

Mr. STEVENS: Yes.

Mr. BICKERDIKE: Did they know they were going to commit murder?

Mr. STEVENS: Both of them were prepared to commit murder in the carrying out of their design. That is clearly established, and as to the argument that those men were hanged because they were poor, there is absolutely no ground for it. They had the best counsel in Vancouver to defend them, and, in addition to that, their counsel carried their case to the Supreme Court of Canada, one counsel coming here and pleading the case in the most able manner before the Supreme Court.

Mr. C. A. WILSON: On a question of law, a reserved case, not on a question of fact.

Mr. STEVENS: Undoubtedly, but the point raised by my hon. friend was that they had been denied those advantages of counsel which the wealthy have at their disposal. The inference was that, because the men were poor, therefore they were sent to the gallows. Not only do I not agree with my hon. friend, but I think it is a very unfair imputation to lay at the door of the Minister of Justice. Those men had every possible opportunity of having their case reviewed later by the Department of Justice and every point in their favour was taken into consideration.

To follow my hon. friend through all his carefully prepared and written address on this subject would be impossible, especially at this late hour, and I confess that, with some more light on this subject, I might be inclined to support his motion; but so far as I understand this proposed reform at the present time, I cannot see that there will be any great advance made by abolishing capital punishment in cases of murder.

There is also this other point to remember. There were thirty-seven cases in one

[Mr. Stevens.]

or two or three years, I think, the hon. gentleman quoted, where the Department of Justice did commute the sentence to life imprisonment; and, as I understand the policy of the Minister of Justice and of the Government, wherever there is any reasonable doubt, or where any extenuating circumstances can be shown in the evidence after careful perusal of it, the sentence is commuted. It is not an uncommon thing, it is rather a common thing to commute a sentence, so that the law of capital punishment is not rigorously or unreasonably enforced. In view of that, I feel it would be unwise for this House at this time and without some more definite reasons and arguments than those advanced by my hon. friend from year to year, to pass this amendment.

Hon. GEORGE P. GRAHAM (South Renfrew): Mr. Speaker, the difficulty is not with the Minister of Justice, but with the law which the minister is compelled to put in operation. There is no situation in which any member of the Government is ever placed that is more trying than the one in which the Minister of Justice is placed in considering cases of capital punishment. For many years I have been opposed to capital punishment. I have had some occasion to study it, and I have read some cases, and, the more I read the more I become convinced that the taking of a man's life, no matter what the crime may be, does not deter the committing of the crime any more than would some other form of punishment.

All great reforms come slowly—I say this in encouragement of my hon. friend from St. Lawrence (Mr. Bickerdike). Even the great question which the hon. member for Vancouver (Mr. Stevens) brought up in this House the other day has made such rapid strides during the last ten years that we find the people of the country in a different frame of mind altogether from what they were in a few years ago. Other reforms that we might discuss also come along gradually. In the province of Ontario, when the question of having prison farms was first discussed arguments just as strong as one would care to listen to were adduced to show that they would have a bad tendency; that the sentence would be too mild; that the prisoners would not respect the privileges they would receive under those new conditions, and that, as a result, the punishment would be so mild that a greater number of crimes would be committed.