

Sir Lawrence Peel:

In India capital punishment would be no deterrent, as death is feared very little.

Rt. Hon. James A. Lawson, Attorney General for Ireland:

The substitution of secondary punishment would be equally as deterrent as the capital penalty. The fear of death has no effect in agrarian murders, from its uncertainty of infliction. In Ireland juries have a strong feeling against capital punishment. What operates upon juries is the taking away of human life, and doing an act which, if wrong, will be doing an irreparable injury. Such liability to irreparable mistakes would not exist in the case of any other form of punishment, or at least it would be much less probable.

M. Chedieu:

The penalty of death is not a deterrent.

Rev. W. C. Osborn:

Juries naturally incline to find excuse to return the verdict of manslaughter; this also causes some uncertainty as to the operation of the law. It is doubtful whether the general opinion as to the deterrent effect of capital punishment is well founded. Mankind set a high value on life, yet forever risk it for a little gain for the prospect of a little present enjoyment. Capital punishment admits of no remission or alleviation, and that it can only be just where it is carried out upon evidence which must be infallible. The practice, he says, of administering capital punishment negatives the principle that no human evidence can be secure from error; even if the evidence on which the prisoner is convicted be correct, it is possible that evidence which could have given it a different complexion did exist, although it was not adduced. Capital punishment shuts out from all future remedy any of the mischances to which all human justices must be liable. No state would make any other sentence irrevocable, laying it down as law that if it afterwards appeared that the prisoner had been improperly convicted, he would still be compelled to suffer his entire sentence. Admitting all human law must in execution be subject to occasional error, there is the greater reason to take care that no sentence of the law should be of an irrevocable nature. The Christian religion leaves open hope of pardon through repentance to the worst of men; when a man is hung you cut him off from power to repent.

Lord Osborn:

Capital punishment is not a deterrent. It has no effect upon the individuals on whom it would be desirable to have an effect.

Lord Cranworth:

The absolute possibility of hanging an innocent man by mistake cannot be denied, but such a possibility would only arise from not properly distinguishing between murder and manslaughter. . . The common saying is perhaps a true one, that it is better for ninety-nine guilty persons to escape than that one innocent man be hanged.

[Mr. Bickerdike.]

Sir Fitzroy Kelly:

After careful consideration and examination I have come to the conclusion that it is not in any way reasonably to be doubted that in many cases innocent men have been capitally convicted, and in a certain number of instances, few of course, but yet formidable in numbers, have been actually executed.

Sir Fitzroy Kelly goes on to cite a number of cases where innocent men have been hanged, and deplors the fact that they can never return. He was asked a question and gave his answer as follows:

Q. Will you give the commission the opinion which you have formed generally on the subject of capital punishment?

A. I have for a long time been of opinion that capital punishment ought to cease, and time and observation and experience have only strengthened my opinions, I might say my convictions, upon that subject.

Hon. George Denman:

Capital punishment leads to the acquittal of many men who would otherwise most certainly be convicted; that juries are indisposed to convict in capital cases. He goes on to cite a number of cases where it is well known that the parties were guilty, but the jury refused to convict. In these cases if the accused had been tried for manslaughter, they would assuredly have been convicted.

Sir George Grey:

Juries generally yield to the opinion of the judge. He mentions a case where the jury asked the judge whether they could bring in a verdict of manslaughter. The judge said; 'No, it is either a verdict of murder or nothing;' and they brought in a verdict of 'not guilty.' They would have found a verdict of manslaughter if they could. There is, he says, less disposition perhaps, on the part of juries to find a woman guilty than there is in the case of a man.

Mr. Sergeant Parry:

Objects to capital punishment as being irrevocable and irremediable and does not think that any human tribunal should place itself in a position of being incapable, even at the last moment, of doing justice to an innocent man.

Mr. Thomas Beggs:

There have been some, though not many capital convictions of innocent men during the last twenty years.

I will not detain the House much longer, but there are a few authorities that I would like to place on record, more especially in view of the fact that I see my good friend the Minister of Trade and Commerce (Mr. Foster) in his seat. From a work on 'The Criminal and the Community,' by J. Devon, I take the following:

Incidentally those who are most insistent on the employment of the executioner show that