

The CHAIRMAN: That was my idea in endeavouring to get an opinion from Mr. Gallagher.

*By Miss Macphail:*

Q. Is there hope?—A. Oh, absolutely, and now I presume more than ever. I am afraid I may be going afield, but surely there is here the widest scope for religious and civil authorities to get together and do something really worth while.

Q. Authorities never do anything, not until they must, anyway.—A. They might be glad to take the youthful offender and teach him whatever might help to save him.

*By Mr. Hamilton:*

Q. Before they committed a crime?—A. Yes, or at least before they became criminals. The youthful offender may not be—I dare say in the majority of cases he is not—in any sense a criminal. There is every hope of saving him, and incidentally protecting society, if we can get hold of him in time.

*By Mr. Blair:*

Q. Mr. Gallagher, in your commutations, in the first ten years from 1916 on you said about half of them were commuted, in the next ten years 33 per cent were commuted. How do you account for the great variation in the last ten years as compared with the previous ten years? Was it the war, or did you make these commutations based on the mental attitude of the prisoner?—A. The reason for commutations, is that what you want?

Q. Yes, the reasons.—A. They vary according to the circumstances of the individual cases. In one instance commutation may be probably based upon the extreme youth of the lad; in another case, as you mentioned, it may be a degree of impaired mentality, which does not amount to the statutory requirement, or inability to appreciate the difference between right and wrong.

Q. In your department and Great Britain they do not have so many commutations as in Germany and France. Why the variation?—A. Well, these are matters I presume of their own jurisdiction.

Q. No; but I was wondering about the variation in this country and the comparison with the old country.—A. I thought you said France.

Q. So I did. France only put to death by the guillotine one out of thirty sentenced for a number of years.—A. Yes; they did not, I understand, lower their murder rate, on the contrary—

*By Mr. Plaxton:*

Q. What evidence is there of that?—A. I think you will find in the last inquiry in 1930 before the select committee of the British parliament—

Mr. BLAIR: What were you going to say?

Miss MACPHAIL: I have a question I should like to ask Mr. Gallagher. I should like to know why we put persons to death. Is it entirely for the protection of society, and if it is why do we not put to death the criminally insane?

The WITNESS: Well, I have had occasion to look into that matter. In all these years there have been a great number of cases in which the degree of impaired mentality of the condemned man had to be studied and weighed by alienists—

*By Miss Macphail:*

Q. I know.—A. And many, or at least several, eminent alienists would consider it the humane thing to do.

Q. Yes, but why is it the humane thing to leave a man alive who is infinitely more dangerous to society as a whole than a criminal whose mentality is not

[Mr. M. F. Gallagher.]