

has been a miscarriage of justice and I say it is the duty of the government and of the Minister of Justice to have the law amended if it requires amendment so that this should not occur again. There is a strong feeling throughout the country that a guilty man has escaped the gallows.

Mr. AYLESWORTH. I would ask permission of the House to say a brief word which is in the nature of personal explanation, in view of the observations which have fallen from some gentlemen with regard to the impression which is said to exist that some lawyer or lawyers can get anything they want from the Department of Justice. With regard to this particular case I understand it has been disclaimed that there was any intention to apply that observation to it. The gentleman who appeared as counsel in this case for the prisoner is a practising lawyer whose practice principally consists in the defence of accused persons and it necessarily results that many of his clients are convicted, and I suppose it results as an equal matter of course that he is a very frequent applicant for clemency. I do not know; I cannot remember taxing my memory to the utmost while I have been sitting here, if that gentleman appeared in this particular case or did not appear upon the application for commutation of the sentence. I can assure you, Sir, that it did not make the slightest difference whether he did or whether he did not. It is the duty of the Minister of Justice in all capital cases to read the evidence with all the care that he can bestow upon it. The responsibility rests I think upon him personally. Certainly that responsibility has not, in the time that I have occupied the position of Minister of Justice been neglected in any single instance. It has made no manner of difference whether the prisoner was defended by a lawyer or was not defended at all; whether the prisoner had any lawyer coming to Ottawa or writing to Ottawa, or whether he was absolutely friendless and had no one interceding or interesting himself on his behalf. How could it in the nature of things? Every word of the evidence has to be real and sifted and weighed, and marshalled one statement with another, in order that an opinion may be formed as to whether or not there is in this particular case or in that particular case any room for doubt. The only action of the government in this particular case, was as I have explained, to advise a postponement of the execution. That proceeded absolutely upon the motion of the government itself and not upon anybody's request. It was for the reason which I have explained, and certainly in that action no lawyer at all intervened. Now,

with regard to criminal cases generally in respect to which it is said this impression exists—the same statement was made in this House by the member for North Toronto two years ago in moving for a return which was prepared with great labour and after long examination of the files for the last 13 years to show in each instance where there had been any lawyer intervening on behalf of any prisoner asking for clemency, who that lawyer was and what was the result of the application. That information is before the House. I hope hon. gentlemen will study it, and before any hon. gentleman will again say such a thing on the floor of this House as has been said to-night that the impression prevails or that the impression is abroad that some lawyers can have anything they choose to ask for from the Department of Justice, I hope any hon. gentleman who meditates such a statement will in common fairness examine that return and read, mark, learn, and inwardly digest it. I feel indignation that such a statement should be made here when the facts are before the House and before the public if any one chooses to look at them, and I want simply to say this further: That since I have been administering that branch of the Department of Justice in this country the cases which have passed through my personal hands have averaged from 50 to 60 each week; I have never let a single case pass through my hands without reading every word of every page of every paper on the file in that case. In the vast majority of these cases no lawyer at all intervened. The great bulk of them are cases in which either the prisoner himself applies from his prison or some member of his family writes to ask or some friend calls to see me to ask consideration of the case. I have let no opportunity pass unimproved to impress on every prisoner and on the friends of every prisoner that it is better for him, better for his pocket at all events, that he should have no lawyer representing him before me in the case. I want the assistance of no lawyer in the matter, I see no need of any lawyer in such a matter, it is not a matter for argument as upon legal points, it is simply a question of whether or not facts are presented on which clemency could be recommended, and I have done everything in my power to persuade prisoners not to pay lawyers money for any such offices, which do them no good in the world. If a lawyer comes to me and asks to see me to discuss a case pending consideration I cannot refuse to see him; in common courtesy I see any person, it makes no difference who it is, and any one can do as much good as any lawyer, no matter who that lawyer may be.