

I should like to see the Government take some stand on it.

Mr. STEVENS: I did not make the motion with any such intention. I think this measure is a vastly important one, but at this hour of the night it is certainly impossible to deal with it in an intelligent and proper manner. I am entirely open to conviction on this subject, but I must confess that I have not been convinced by the arguments of the hon. member. Considering the lateness of the hour, I think my motion to adjourn is quite reasonable. Furthermore—

Mr. SPEAKER: I would remind the hon. member that his motion is not debatable.

Mr. GRAHAM: We could easily dispose of this matter if the Prime Minister would allow us another opportunity for debating it.

Sir ROBERT BORDEN: I am willing to remain here if hon. members wish to debate this subject further, but I cannot promise any further opportunity. A very large portion of the day has been taken up by a long debate of a matter not of general interest. I said then that we should have to sit late to-night and finish some business. If my hon. friend will withdraw his motion the debate can go on.

Mr. BICKERDIKE: I think the Prime Minister has forgotten the agreement he made when I brought this matter up on the day of the fire. I think he suggested that it should be left over until the Minister of Justice came back to Ottawa. I agreed to that on condition that opportunity would be given to discuss the question and that it would not lose its right of way, and I hope that the Prime Minister will agree to let us go on with this discussion on another day.

Sir ROBERT BORDEN: I really cannot promise that, but I am perfectly ready to debate the question now and to stay as long as may be necessary for that purpose. There was one previous occasion when my hon. friend had the right to bring on this debate.

Mr. BICKERDIKE: No.

Sir ROBERT BORDEN: Yes, there was one evening.

Mr. BICKERDIKE: No. I beg the hon. Premier's pardon. I waited until the Minister of Justice came back. I wrote to him stating the arrangement we had come to, and he neglected, or forgot, or mislaid that letter and did not let me know anything about it for three weeks afterwards. During

those three weeks the Bill had been called twice.

Mr. DOHERTY: The hon. gentleman will also remember that in that letter of his he mentioned two days upon which he might have gone on and discussed this matter, and he stated that he did not want to go on on those two days. There were at least those two occasions for his convenience and not for mine.

Mr. BICKERDIKE: Yes, there were those two days, but the minister was not here. If the minister will not carry out in good faith what I supposed was the arrangement, then we will go on to-night.

Mr. STEVENS: The hon. member proposes to move that this matter go before a special committee. As such a motion would require notice, I think this debate might be adjourned to give him an opportunity to make his motion.

Sir ROBERT BORDEN: I think we had better go on.

Mr. H. H. STEVENS (Vancouver): Mr. Speaker, I just wish to say a very few words on this subject. The hon. gentleman has to-night submitted two arguments which appeal to me slightly in connection with this very important reform. One is that juries are prone to acquit persons who might be guilty of murder when they are not positive that the accused are guilty, because they know that, if they do find them guilty, they will, in all probability, send them to the gallows and they may not wish to take that responsibility, whereas, if the sentence were merely a jail sentence, they might bring in a verdict of guilty. That is an argument worthy of consideration and it is really the only strong argument advanced by the hon. gentleman.

He also mentioned a case, known as the famous Clark-Davis case, which happened in Vancouver and for which he took the Minister of Justice severely to task. Now, I do not think that the hon. gentleman put a very fair construction upon the action of the Department of Justice in considering that appeal for clemency. The facts are briefly these. Clark and Davis were two criminals who deliberately planned to commit a series of very serious burglaries. They equipped themselves with the usual paraphernalia such as revolvers and the instruments of their craft. They were disturbed in the act of their burglary by a policeman; got out of the building, ran across a vacant lot, and in the discharge of his duty the policeman followed them and was shot by these men. Each one said