

reminded members that for some centuries after the commencement of the Christian era, no person holding, or professing to hold, the Christian religion, was known to interfere in capital punishments.

I will now cite a few of the authorities I have before me, and I think the House will be convinced—if they are not too prejudiced in this matter—that the time has come when capital punishment should be abolished. And let me say that if the Union Jack is to continue to float over this young nation in the future as in the past—and it will—as the emblem of freedom, fairplay, justice and mercy, this Parliament can no longer shirk its duty in this matter. Let me give brief summaries of statements made before the Capital Punishment Commission in Great Britain in 1866:

Hon. George Denman, M.F., thinks that on the whole more is done by capital punishment as it at present exists, to induce murders than to prevent them.

Q. You think that the infliction of capital punishment for murder prevents the certainty of punishment?—A. I think so, most decidedly.

William Tallack said:

From documents received from governors of several of the American States it appears that the abolition of capital punishment there has not rendered life less secure.

Mr. Tallack referred to a letter he had received from a gentleman in Montreal whom, I have no doubt, some who are here present will remember—Mr. Louis Payette. The name is not properly spelled in the report, but it is quite clear who is referred to. I knew Mr. Payette well. Mr. Tallack says:

I will first read an extract from a letter addressed to me by M. Louis Payette, jailor of the provincial jail at Montreal, dated 27th September, 1864. . . . He says, 'Capital punishment was virtually suspended here (in Canada) from 1838 to 1858, a period of 20 years. The sentences to capital punishment passed during that time were, by the exercise of the Royal prerogative, commuted to imprisonment for life in the provincial penitentiary at Kingston, and the executions since the beginning of 1858 (five in number) have all been public.' I submit that if in Canada they could do without executions for 20 years, although they have appeared since to have returned to capital punishment, there could not have been any great public inconvenience felt, more particularly when we find that there were only five executions in the years which have since elapsed.

Lord Hobart:

Capital punishment is not a deterrent. . . . With secondary punishment there might possibly be a gain of a deterrent force. . . . Thinks that if capital punishment ever could be carried out with the same certainty and rigour as secondary punishment, it would be a more powerful preventive of crime, but the

case is very far from being so. . . . Thinks that the deterrent advantages of capital punishment are more than counterbalanced by its accompanying disadvantages, namely, its uncertainty. . . . Objects to capital punishment because it alone is, of all punishments, both irrevocable and irreparable. Other punishments also were irrevocable, but no other punishment is irreparable. . . . Argues that innocent persons must frequently be convicted and thinks it quite possible that such are occasionally executed.

Q. What has been the result of the attention which you have given to the subject? A. conclusion at which I have arrived is that capital punishment ought to be abolished.

Hilary Nicholas Nissen:

Public punishments have no deterrent effect upon the people. Nor has capital punishment any deterring influence upon the criminal class.

Leone Levi:

Capital punishment is not much of a deterrent to criminals as is proved by the murder of suicides.

Rev. John Jessop:

Capital punishment has not the deterrent effect it is supposed to have. Does not think that when persons commit murder they think of detection. When persons commit a murder or plan it, they do not think they will be found out. In the case of murder for sordid purposes, or murder by poison where property is involved in the result, if persons imagined that they would be found out, they would not commit them. If persons imagined they would be found out, they would not commit murder, unless they were maniacs. As to cases of murder through jealousy, hatred, or any strong impulse, the consequences are never taken into consideration.

John Humphreys Perry, Sergeant-at-Law:

Capital punishment is not a deterrent. When Muller murdered Mr. Briggs the idea of capital punishment never entered his mind. The majority of murderers do not belong to the criminal class. The punishment of death has a terror for certain minds when they come face to face with it.

Q. Will you favour the commission with your views generally on the subject of capital punishment? A. I am strongly opposed to capital punishment, first on the ground that a government coolly and without passion taking away the life of a human being sets a bad example, and weakens that sense of the sacredness of human life which I believe to be a great social safeguard.

Captain Cartwright:

The punishment of death is not deterrent to the reckless class. The convict class dread perpetual imprisonment more than death. Penal servitude for life has also greater terrors than hanging.

Q. Upon the general question of the abolition of capital punishment are you of the opinion that it should be retained or abolished? A. I think that it should certainly be abolished.