

of this House, that it will ultimately lead to a very bad condition of affairs in any country if it results in destroying that respect which we have for the administration of justice in this country. We expect perfect impartiality. If the giving of publicity to the reasons which enabled the Minister of Justice, or the Governor in Council, who, I presume, was largely guided by the advice of the Minister of Justice, to reach the conclusion he did, results in settling the minds of the people who entertain improper views of the matter, in my judgment, it would not be an unmixed evil if these papers were given to the world. I can see very strong grounds for the contention which the Minister of Justice entertained, but, on the other hand, it seems to me that there are equally strong grounds for making these papers public so as to disabuse the public mind of the impression that there is anything wrong. There is another thing that I think will probably lead to good results; that is the distinction which the Minister of Justice has stated as between the Governor General and the Justice Department, that only in capital cases must the Governor General be guided by the advice of his council but that in other cases he may exercise his own judgment. Let that be known and it goes a long way to satisfy the public mind. If the people are under the impression that a wrong conclusion would be reached the responsibility would be placed on the right shoulders and the government would be relieved of it as a result. But, I think if it would accomplish no other end than satisfy the public mind that the same principles apply and that the same justice is meted out to all regardless of what their political leanings are, or what the political leanings of the lawyer are, or what their religious convictions are, or what their nationality is, it will do a great deal of good in the country, because, just so long as everybody has respect for the administration of justice and believes that every one is treated impartially there will be a good state of affairs in the country, while, if the reverse is the case, it breeds contempt for the law and it makes many men take the law into their own hands believing that they cannot get justice from the Justice Department.

Mr. LEWIS. Mr. Speaker, I desire to agree with the hon. Minister of Justice (Mr. Aylesworth) as regards a great many of his remarks, but I wish to say that there is a strong feeling in this country that a man who, because of the crime committed by him, really deserved to be hung, has escaped the gallows. A drunken man who, while he does not intend to kill the woman, pounds that woman to death; is entitled to suffer the full punishment for his crime. The Minister of Justice will agree with me

that, even if he did not intend to murder the woman, the English law says that where a man is committing an unlawful act he is guilty of every act which ensues while he is committing that act. If the evidence adduced in this case only produced a verdict of manslaughter, then I think it is the duty of the Minister of Justice and of this House to have the law changed so that a man who commits the crime that this man did will be really punished and hung as this man should have been.

Sir WILFRID LAURIER. My hon. friend is aware from the circumstances and history of the case, that if a guilty man, a murderer, has escaped the gallows, the blame cannot be brought to the door of the government, but the blame must rest upon the court. The only thing which was done by His Excellency the Governor General in the case of this man was simply to give him a reprieve. He was to have been executed at a certain date and the date was postponed. Numerous petitions were presented to the government in favour of this man asking for a pardon or rather a commutation of the sentence. The advisers of His Excellency did not think it possible that this petition could be granted, but as there was a good reason to know whether or not the man had been properly convicted a reprieve was given and then application was made to the court for a new trial. The court granted a new trial. Now, my hon. friend says there is reason to believe that under the British law, if a man commits a breach of the law, such as was committed in this instance, it follows that it was murder. In the present instance this man committed an offence upon his wife, he committed an assault upon her, he beat her—there is no doubt about that because the fact is admitted—and as a consequence of that treatment his wife died. My hon. friend says it was murder. I do not know that I would differ from him, but the courts say differently. The courts say it was not murder. The case was tried again and the man escaped. Under such circumstances does my hon. friend believe, or is he prepared to say—

Mr. LEWIS. I said that if that did not constitute murder it was high time for the Minister of Justice to amend the law so that it would be murder.

Sir WILFRID LAURIER. Well, we are discussing now another matter. The government has been held to blame, as I gather from the remarks of the hon. member for York (Mr. Wallace) and the hon. member for East Grey (Mr. Sproule), because they granted a reprieve. Does my hon. friend (Mr. Sproule) say that the government did anything wrong? On the contrary, will not my hon. friend admit that the govern-