

member was no doubt in perfect good faith when he made that statement, but he must surely realize that if Kingston penitentiary is in such very poor condition as he represented it to be, and I believe his statement was correct, then Kingston penitentiary should be remodelled, so that that deplorable condition should no longer be allowed to exist.

The hon. member for Kingston (Mr. Nickle) also made a fairly good excuse for retaining capital punishment. He said he stood for capital punishment because England always stood for it, a very noble, patriotic and loyal sentiment, and while I wish to compliment the hon. member on his loyalty to the home land, he will surely agree with me that the time has come when this young nation should institute reforms suitable for our own people and our own land.

Capital punishment ranked high among the old barbarities, has been dragged through the centuries, and until now it still remains with us in Canada, and puts our civilization and Christianity to shame. To impose the death penalty is an inhumanity of the first magnitude, and to write the scaffold on to the penal code of Canada is to put on our statute books the black sign of revenge. It is not the age of civilization or christianity that has come into its own. It is the shameful record of the doctrine of retaliation. There is no process that can transform the taking of human life from wrong to right simply because it is done in the name of the State. Every time the State takes the life of a human being, every time the State hangs a man, it dips its finger in human blood, to write the word "not" out of the Ten Commandments. Capital punishment lessens the respect for human life, develops lawlessness in the criminally inclined, and in individuals of low mentality.

The hon. the Minister of Justice occupied some two hours in this House at a previous session when this question was being discussed, trying to find excuses, but was unable to introduce one sound argument in favour of his law as it stands to-day. The only argument, if it could be called an argument, in favour of his contention was, that he retained the death penalty on the statute books of Canada, and hanged men, because our forefathers did the same. But surely, if he has nothing else to back up his arguments than this, then he should burn the criminals at the stake as our forefathers did; he should torture them with rack and thumb-screw, and use all the ancient modes

of torture simply because our forefathers did. That, surely is a very poor argument in the twentieth century; but he finally clinched all his excuses by making a statement for which he did not produce the proof, and that was, that he had divine sanction for hanging our poor criminals, and sending their souls into eternity.

I know the minister meant that or he would not have said so. But he did not produce the proof and I challenge him to do so. The minister has no such divine sanction, he has no mandate from Divinity to hang a man in this country. If he has such a mandate I think it should be placed on the table of this House so that members on each side might examine it, so that it may be incorporated in the archives of this country and so that generations yet unborn may realize that in 1916 the Borden Government possessed a Minister of Justice with a divine mandate for hanging a man. I would like to say with all due respect to the Minister of Justice that his extravagant utterances on this subject could only have been inspired by prejudice.

The minister says: for instance, take the case of self defence. Now, conceiving a man has the right under natural instinct and statutory laws to kill another in self defence, can any man establish self defence by shooting another who was known to be as helpless as if hand-cuffed with his hands behind his back? Then it is no better in principle for the state to do this than it is for a citizen. Society has no more right to trifle with the most sacred work of God than the individual has. The minister sends a young man hand-cuffed and guarded by the police, from a modern penitentiary of cement, granite, steel and armour plate, takes him out upon the gallows and hangs him until he is dead, for self defence. To kill a man, overpowered and harmless, is not an act of self defence for either a citizen or the state, but is an act of unrestrained power directed by revenge rather than reason.

What self defence is there in that: seven and a half million people against one poor unfortunate fellow locked up in a penitentiary? I should like very much to touch the heart of the Minister of Justice. I know it is difficult. I mentioned a case last session, and as I think he did not grasp it, I submit again that where the equities are equal, the element of mercy should hold the balance of power in deciding this question,—the awful suffering and remorse of the family of the victim of a homicide. Now, I agree that it is hard on the family of the deceased, and my sympathy goes out