

DEATH PENALTY TOO STIFF

Mr. Justice Middleton Speaks in Favor of Toronto Men.

That he did not believe the evidence against J. J. Rowens and Paul Masur, the two men charged with high treason, would be of sufficient gravity to merit punishment by death was the judicial opinion expressed by Mr. Justice Middleton at the opening of the Winter Assizes at the City Hall yesterday.

His Lordship said that in this case capital punishment would be too severe. If a verdict of guilty was brought in by the jury, the only sentence to be imposed was that of death, and this could be commuted by executive clemency.

Addressing the grand jury, he said that treason was very wide in its meaning. The two men were charged with attempting to assist enemies of his Majesty to leave the country. When war was declared there were a number of ~~German reservists~~ in the country. They were treated well, and the only obligation they were under was to stay in Canada and not attempt to assist the Germans.

"There should be no difficulty in understanding the nature of the offence alleged by the Crown against these men," continued his Lordship.