

by the people of this country at the polls; and if so, will hon. gentlemen opposite pledge themselves that when the case is submitted for the determination of the electors we shall not have passions and partisan feeling appealed to on other issues, the National Policy, the Canadian Pacific Railway, and all the questions which have divided parties in this country for the last ten years? I need no better confirmation of the protest which I make against such a discussion on a motion of this kind in Parliament, as has taken place, than the attempts which hon. gentlemen opposite have made to prevent our bringing to the case a calm and deliberate judgment. The member for West Durham himself, in the opening expressions of his speech, on Friday, condemned anything like feeling. He deplored the introduction into the debate of bygone issues and political considerations, and the sound of his voice had hardly died away in the expressions of those sentiments, when he declared to the House, in tones that rang from end to end of this Chamber, that he intended to hold the Government responsible for every life that had been lost, for every pang that had been suffered, and for every dollar that had been expended.

Mr. BLAKE. Hear, hear.

Mr. THOMPSON (Antigonish). I should like the hon. gentleman to state how, after an assertion like that, how after the statement of the hon. member behind him who proclaimed three times in the course of this discussion that the men on the Treasury benches of this House are greater criminals than the man who died on the scaffold at Regina—I should like to ask him how, after expressions like that had been bandied about in this debate, he expects this House to come to a conclusion in the manner in which a court of appeal would decide on any particular case? Not only has that attempt been made to prejudice the discussion, but hon. gentlemen have complained bitterly at a step which has been taken to preclude the introduction of other issues by which the judgment of the House might be misled. The hon. member for West Durham (Mr. Blake), in addressing himself to an interlocutory resolution the other day, declared that it was contrary to sound policy and to fair play that the previous question should be moved. If this matter is to come before Parliament as before a court of appeal—if this House is to arrive at a just determination on this question, upon what ground should hon. members be allowed to introduce other issues? The hon. gentleman was so candid as to avow, before his speech on that motion was concluded, that he had no hope, even if such amendments were moved, of having them carried, because, he said, we must eventually come down to this resolution. Then he would simply have had the advantage of having the House come to a decision on this question with a clouded judgment and with partisan feelings, raised by the discussion of issues on which hon. gentlemen opposite seek to bring against the Government the charges which have been bandied across the House in this debate, of guilt in connection with other transactions altogether. I said, Sir, that I felt it my first duty to express this opinion to the House, and I am glad to know that some hon. gentlemen opposite feel as I do. The hon. member who addressed the House on Friday evening so long and so ably, has filled the office which I have the honor to hold at present. He is conscious of the great difficulties which beset a Minister of Justice in advising the dispensing of the clemency of the Crown, and within the last three months the hon. gentleman said, in a great public assembly:

"I knew how much these difficulties are enhanced by heated partisan and popular discussion, in which distorted views and an imperfect appreciation of the facts are likely to prevail."

After that frank admission I would suppose that if this question was to be argued in this House, as it has been argued by the other side, as a question of confidence, we should at least not have had those "heated partisan and popular" appeals made in order that the judgment of this House might not be taken upon the real question that is before it. Let me turn the attention of the House for a moment to the manner in which, in the country to which this Parliament looks for a model, questions of this kind are considered. I am not venturing to dispute the right of any hon. member, much less of the whole House, to challenge the conduct of any Minister of Justice for the time being as to the way he should have advised the Crown upon the case of any convict; but I am challenging the propriety of exercising that right to such an extent as it has been exercised here. On 20th July, 1877, Mr. Gathorne Hardy, who held the office of Home Secretary, said:

"He hoped the time would not come at which the House would fail to rely on the Executive, either to exercise the prerogative of mercy, or to carry out the law to its fullest extent."

He also said:

"Suppose the records to be produced, were they to re-try the case upon them without seeing the witnesses? That would be a most unusual proceeding, only to be resorted to when there was some suspicion of corruption or partiality at the trial."

Mr. Gladstone, in the course of the same debate, said:

"It appears to me so desirable that in a matter of this kind the prerogative of mercy should be left in the hands of the Crown, to be exercised according to the advice the Crown may receive from those whose duty it is to give it, that only in the extremest cases should I wish to support a motion which strictly interposes the judgment of the House for the purpose of swaying the judgment of the Crown."

And Mr. Gladstone abstained from voting upon the question which was then before the House. In another case, in 1870, in the course of a debate, part of which the hon. member for West Durham (Mr. Blake) read to the House, Mr. R. N. Fowler said:

"Such cases ought to be left entirely in the hands of right hon. gentlemen opposite. This House was, in the nature of things, one of the worst places where the question of the comparative guilt of a murderer could be properly considered, for it was a legislative assembly and not an executive body."

On the 3rd of July, 1884, Mr. Trevellyn said:

"I regret very much that that decision is come to"—

That is, the decision of the Executive not to commute the sentence.