

ney General himself—not a mere Crown prosecutor—that the motion can be entertained by the court, and the defendant has power to appeal against the decision of any court of first instance that so decides.

Mr. MILLS. From one Province to another?

Mr. McCARTHY. I am speaking of Ireland. I will deal with the other matter in a moment. The hon. member will allow me to get at it step by step. I am not going to attempt to speak of it all at once. So far, at all events, is there anything so very serious in what is called a Coercion Bill? Is it proper and right, in regard to men who live in the Emerald Isle, under laws which their representatives have had an act and part in making, which are not tyrannical laws, which are fair laws, which are the same laws practically that we have here in this country, some means should be found of enforcing them? Would it be said, would it be admitted, that the English people were fit to govern themselves, or that the Irish people were fit to govern themselves, if they were not equal to emergencies such as these. A free people, freely governed, governed by its own representatives, must in some way endeavor to enforce its laws, and we know that at times the Habeas Corpus Act has been suspended. The thought occurs to me that the Habeas Corpus Act was suspended in this country, if I remember aright. Surely it is one of the attributes of free men, dealing through the representatives of the people, to so adjust their laws that law itself shall not be brought into absolute contempt. The hon. member for West Durham (Mr. Blake), in reading from the statement of the Chief Secretary on the introduction of the Bill—not that I at all impute the blame to the hon. member himself, as it is much more likely to have been the inaccurate statement of the Chief Secretary—spoke of the power of proclamation, the power to proclaim. There is the power to proclaim, and why? Because over the great portion of Ireland the law is obeyed. It is only in parts, in the south and southwest, that the law is set at defiance, and it is only in these portions of Ireland that the magisterial powers which have been so objected to are to be enforced. It is not a law for the whole of Ireland. It is not a law for more than the districts where the ordinary law, according to the machinery and with the ordinary means, cannot be enforced. There and there alone, upon the proclamation of the advisers of the Crown, can this special procedure obtain. Now, I come to another power which this Crimes Bill gives, and that power is this: If, in any of the following cases—and to be accurate, if the House will bear with me, I will read the particular cases—if in these cases the Lord Lieutenant is satisfied that any association is formed for the commission of crime—that is one; or, carrying on operations for or by the commission of crimes—that is two; or, encouraging or aiding persons to commit crimes—that is three; or, promoting or inciting to acts of violence or intimidation—that is four; or, interfering with the administration of the law, or disturbing the maintenance of law and of order. Now, if a society is either formed or carried on for any of these purposes, and if there be such a society, would any hon. member in this House; would my hon. friend from Montreal Centre, or my hon. friend who last addressed the House, pretend to say that such a society as that should not be put down? If there be such societies in Ireland, formed for the express purpose of committing crime, then by proclamation those societies may be inhibited. It does not create a new offence. The offence of joining together to commit a crime, is an offence of common law. All it does is—if the Lord Lieutenant for Ireland, upon the advice of those who are responsible to Parliament, says that the circumstances exist, there is a presumption that these societies do exist for that purpose—they may be suppressed; but even that power is limited and guarded,

because that proclamation has to be submitted to Parliament within seven days after it is passed, if Parliament is then in Session, or within seven days after the House meets, if it is not then sitting, and if it is disapproved of by the House the proclamation ceases. There is but to my mind—granting there is sufficient cause, as to which I have already said I am not to be the judge—and I do not pretend to state any opinion—there is to my mind only the objectionable feature to which the hon. member who last addressed the House referred. But this Bill is not yet law. The principle of this Bill, it is true, has been assented to upon the second reading; but the details of the measure have yet to undergo the scrutiny which no doubt they will receive in the Committee of the Whole; and how it may emerge from that committee, and finally pass the House of Commons, we do not know. That provision is that, if there cannot be, upon the opinion of both the Attorneys Generals of Ireland and England, a fair trial by a jury in Ireland—and, remember, that does not apply to political offences, but to murder, and offences of that class—if there be offences of that kind, if political feeling runs so high, if, in point of fact, the whole neighborhood are mixed up, as it were, with the men who are accused of the crime, if it be agrarian in character, where it is believed to be a virtue and not a crime by those who have committed it and those who abet it, then in such a case there is power to do what? In the case of murder, arson and breaking and firing into dwelling-houses, to have the trial take place in England. That is the proposition of Lord Salisbury's Government, and what was the proposition of Mr. Gladstone's Government? Mr. Gladstone's proposition was that these men should be tried, not by a jury in England, but by a bench of Irish judges. Which is the better of the two? And I noticed the other day that the Home Secretary for England, Mr. Matthews, thought it might be a good amendment to say that the prisoner should have his choice, either take a bench of Irish judges, or take his trial in England, just as he pleased. But is it so certain that fair play cannot be had before a jury at the Old Bailey? Are the people of England so united anywhere against Irishmen, when we are told that 150,000 of them went out the other day to Hyde Park to protest against this Bill—are they all so unanimously of the opinion that Irishmen ought to be hanged at all events, that there is no hope of fair play to be found before an English jury? I ask again, not venturing an opinion myself, what are the responsible advisers of the Crown to do? What happened the other day in Dublin? What happened at the Assizes referred to by my hon. friend from North Bruce (Mr. McNeill)? Simply, no contradiction of facts, no dispute as to the law. I have an extract here of the charge that was given by Mr. Justice Murphy, and perhaps it may be taken as a sample of the whole. The judge stated to the jury: The case is clear, you are privileged, you can do as you please, the evidence is perfectly uncontradicted, but the privilege is yours of disregarding the evidence. After half-an-hour's deliberation, the jury returned a verdict of not guilty. "Gentlemen," said the judge, "your verdict is contrary to the evidence, but it is your privilege to disregard your evidence and your oaths." Now, if that is anything like what is happening in various parts of Ireland, owing to these political agitations and this agrarian feeling, then the law is paralysed, the ordinary means of convicting those who have been guilty of crime are found not to be effectual, and some other means must be discovered, that means is to offer them a trial in England, or before a commission or bench of Irish judges. There is the Bill which is called a Coercion Bill. But what is it a Coercion Bill for? It is a Bill altering, speaking generally, the procedure in criminal cases for the purpose of enforcing the criminal law of the land. That is undoubtedly one means of doing it. Another means is, give them what they