

thing to appoint a commission to investigate back to the time when the penitentiaries were started to ascertain how men who are dead and gone might have conducted themselves or what evils might have existed in the past. I was particularly careful to remove from them any restrictions so far as any particular matter was concerned which they might deem it desirable in the public interest to inquire into.

Mr. EDWARDS: I presume the minister has looked at the evidence, and must have seen that the time clause was invoked again and again by the commission and by the counsel acting for the persons charged.

Mr. DOHERTY: I have seen places where the five-year limit was combined with other considerations. I am not prepared to say that in 2,000 pages of evidence there is no case where exclusively upon the ground of the five-year limit something has not been excluded. But I think that while there may have been references to the five-year limit, there were also other considerations stated as justifying the refusal to go into the inquiry of some particular matter. For instance, the charge of perjury against O'Leary. To proceed to try a man on a charge of perjury fifteen years after the alleged offence, when persons who may have been thoroughly competent witnesses at the time have disappeared or died,—I appeal to the sense of fairness of my hon. friend whether that would be a fair thing to do.

Mr. EDWARDS: I would appeal to the sense of fairness of the minister and ask him if he made that suggestion to me at the time.

Mr. DOHERTY: I do not recollect that the charges specified a date at all.

Mr. EDWARDS: The charge referred to a former investigation, and my hon. friend knows when that investigation took place.

Mr. DOHERTY: I do not think I could tell my hon. friend now when it took place, and most assuredly, at that time, the statement as to a former investigation conveyed no specific idea of date to me. Moreover, I might point out to my hon. friend that when he told me that he did not want those charges communicated to the people charged, with a view to their making an answer, but that if I named a commission he would then make his charges, I must confess that I did not charge my mind with the particular words contained in his letter.

Mr. EDWARDS: I am sure the minister does not wish to misrepresent the facts, but he is not representing them correctly. I did not state what he says at the time that conversation took place. I said that as soon as the commission was appointed, then copies of my charges would undoubtedly be sent to the men charged.

Mr. DOHERTY: Of course, if I am mistaken I want to be corrected, but I think I can turn up the letter the hon. gentleman wrote me making the charges. This is the answer I made to that letter:

I have your letter of the 2nd instant, in which you make charges against Deputy Warden O'Leary and Dr. Phelan.

And so forth.

Before appointing a commissioner to make such inquiry, it would appear proper that the accusations should be submitted to the parties accused, for the purpose of eliciting any reply they may desire to make. Before communicating with these gentlemen, I desire to be informed whether you are willing that I should transmit them copy of your letter or if you prefer that the accusations be communicated to them in some other form. I may say that for the purpose of the contemplated investigation, my present intention is to issue a commission under the Inquiries Act, Chapter 104 of the Revised Statutes of Canada.

The reply I got to that was:

In reply to yours of the 4th inst., re O'Leary and Phelan, I quite agree that copies of the accusations should be sent to the accused, but I am not sure that it would be in the best interests of a fair investigation to do more than that. The Commission of Inquiry which you propose to appoint, will bring out the facts and I am quite willing to go before that commission and restate what I have written to you.

There are other officials of the Portsmouth penitentiary whose conduct should be investigated, and I hope that the commission will be given wide powers.

What I understood him to say was "I am quite willing to go before that commission and re-state the charges.

Mr. EDWARDS: Did you not say that the first part of the letter should be sent to the men accused?

Mr. DOHERTY: As I understand it—however, it is perhaps not very material.

Mr. EDWARDS: I think it is.

Mr. DOHERTY: My attention certainly was not called to the time at which the charge of perjury was made. Perhaps it was my oversight, perhaps sufficient attention was not paid on my part. But I only want to point out that when the commissioners said, as they did say, that they did not think that would be a