

have heard, at each stage of the debate, the cry for more papers. I do not presume to discuss what was done in the House last Session, although I have had full access to its records, but I have noticed that this Session the cry became more urgent and more emphatic the more papers were brought down. We had first the cry that the record was not complete. We had issued to the public and laid on the Table of the House all that constitutes, technically, the record in criminal cases—all that would go before a court of appeal—all that should be asked for here if this Parliament is to be considered a court of appeal. There was even more than that in the blue book which we printed and circulated; but we had hardly met when we were told that we must have all the arguments upon the controversy about the postponement of the case, although that argument resulted in an agreement between the counsel which withdrew the matter from the consideration of the court altogether. Those papers were brought down, and the cry became louder and more urgent still for more papers. We were told there was a controversy on the trial as to whether Louis Riel should be allowed to defend himself, besides being defended by counsel—"bring that down." We brought that down to this House, and the cry became more urgent still. "We have not the judge's charge here," it was said, and one hon. member told the House that we were not even in a position to tell the House that the judge's charge was before the Court of Appeal in Manitoba, although the blue book which he held in his hand contained the judgment of that court, in which one of the judges said that he had great satisfaction in being able to say that he had read the whole charge and that he endorsed every word of it. Well, we brought down the judge's charge and the cry became more urgent still. One said all the papers that were asked for were not brought down, and another complained that we had brought down more than were asked for—simply for the reason that those which were brought down were not as satisfactory to them as some hon. gentlemen expected. Let me turn the attention of the House again to the practice which prevails in the British Parliament upon that question. I have looked, I think I may say, at every case which has come up for consideration in that Parliament for the last twenty-five years, and I have been unable to find a case in which the papers connected with a criminal case were laid before Parliament at all. The question has arisen there sometimes on a motion to go into Committee of Supply, sometimes on a question which the Home Secretary has to answer, but never upon a motion of want of confidence—never with the request that the papers should be brought down. But, while I have been unable to find a record produced to Parliament, in such a case, I am able to find that it was refused, for, on the 17th of May, 1878, in the discussion of the case of George Bromfield, reports touching the insanity of the prisoner were asked for, and Mr. Asheton Cross, the Home Secretary, said that "all the communications made to the Secretary of State in the matter were of a confidential character, and therefore he did not consent to produce them." I think, Sir, that as soon as the papers which remain to be brought down are laid upon the Table of the House, the desire of some of the hon. members for papers will be more urgent than ever. They will not like the papers which are yet to come down any more than they like those which have been brought already; and when they have seen them all, the hon. member for West Durham (Mr. Blake), will say: "These are not the papers at all," and he will ask for the papers which he said were lying 'mouldering unopened' in our offices. As an illustration of the unreasonableness with which some of these demands have been made upon us, let me call the attention of the House to a single instance. On the 17th of March an hon. member moved:

"That an Address to His Excellency the Governor General be presented for a full and complete report of the trial of Thomas Scott,

charged with "treason-felony" at Regina; giving the evidence for the Crown and defence, together with addresses of counsel and charge of the Stipendiary Magistrate. Report of the trial and sentence of the half-breed prisoners at Regina for "treason-felony," together with the evidence submitted to the Stipendiary Magistrate's Court in mitigation of sentence, and addresses of counsel for the prisoners."

These papers, connected with the trials that took place afterwards, had a very doubtful relevancy to the case; but the point I am making now is that when the Address of this House was asked for on the 17th of March for these papers, they had already been on the Table 48 hours. We have not the advantage on this side, perhaps, of hearing all that goes on in this House, but we can imagine, in view of that illustration and of some facts we do know, how true and appropriate this comment by a bystander is upon this cry for papers:

"I was amused to-day at Mr. ———. He was tearing the Government to tatters for not having the papers down. 'Where is the diary of Louis Riel?' he cried, and then aside to Laurier, 'Is that down?' 'No,' whispered back Laurier. Then Mr. ——— became furious in his denunciations because it wasn't down."

I think, Sir, that at an earlier stage of this discussion, the hon. member for Bellechasse (Mr. Amyot) saw the difficulty the House would meet in the discussion of a question of this kind, and in receiving and acting upon the doctrine that this House was to be a court of appeal; for the hon. member declared, almost in so many words, that he and his friends were justified in treating this case as an exceptional case, because it came from the North-West Territories; and the hon. member read to the House a section of the Act which provided that the report of a capital case tried in the North-West Territories should come to the Executive.

Mr. MILLS. Hear, hear.

Mr. THOMPSON (Antigonish). I shall read—especially as an hon. member of my own profession on the other side of the House says "hear, hear"—two sections of the law—the section bearing on cases in the North-West Territories, and the section bearing on cases in the various Provinces, and will ask what the difference is. The general law, taken from the Act of 1873, applying to every Province in this Dominion, is:

"The judge before whom such prisoner has been convicted shall forthwith make a report of the case, through the Secretary of State for Canada, for the information of the Governor, and the day to be appointed for carrying the sentence into execution shall be such as in the opinion of the Judge will allow sufficient time for a signification of the Governor's pleasure before such day."

Now, the provision relating to the North-West is this:

"When any person is convicted of a capital offence, and is sentenced to death, the stipendiary magistrate shall forward to the Minister of Justice full notes of the evidence, with his report upon the case, and the execution shall be postponed from time to time by the stipendiary magistrate, if found necessary, until such report is received, and the pleasure of the Governor General thereon is communicated to the Lieutenant-Governor."

Now, the only difference between the two sections is this: First, it is provided that the judge in a North-West case shall furnish full notes of the evidence—and the hon. member laid stress upon that point. I can only say to him that, full as the notes of the evidence are in this and in every capital case coming from the North-West, they are not one iota fuller than the reports of capital cases which we receive from the Provinces; and as regards the postponement of the day of the execution of the sentence, although the power is specifically conferred upon the stipendiary magistrate in the North-West Territories, it is still fully competent to the judges in the other Provinces to respite until the pleasure of the Governor is made known. The provision making it mandatory upon the stipendiary magistrate to postpone in the case of North-West trials was inserted, I believe, in consequence of the remoteness of the country and the difficulties of communication; but in practical working the two provisions are identical, and a case coming