

people of Canada found themselves strong enough to cope with it, and the Government of the day came down—I do not think it was the Government, if my recollection serves me a right, so much as the hon. member for West Durham—and proposed, not being competent enough for the emergency, not being Irish enough to understand how to frame the Bill, that it should be given to a commission to frame; and the hon. member for West Durham brought down the Bill and carried it through. I find in that measure that breaches of contract with railway companies, under certain circumstances which caused public inconvenience, were to be made criminal. But that is not the worst feature. Why, they were to be tried summarily—not by a court and jury. The great right of trial by jury was ignored by the hon. gentleman, and the trial was to take place before two magistrates who had power to send the accused to prison. That was the way we acted in circumstances of that kind. I voted against that measure, and I believe those associated on the Opposition side of the House with me almost unanimously voted against it. We did not so vote on the ground that we had not the power to pass legislation of that kind, but we denied that there was any occasion for so stringent an amendment to the law. That was the Coercion Bill of that day, which remains from that day to this on our Statutes. We may call it the Coercion Bill of the hon. member for West Durham, for he is certainly entitled to the credit of it more than any other hon. member.

Mr. MILLS. Why do you not repeal it?

Mr. McCARTHY. There is another matter. Let me investigate the Bill which has been brought before the British Parliament, whether necessary or unnecessary, it is not for me to offer an opinion. I am merely endeavoring to point out to this House that we will be assuming very dangerous responsibility, if these resolutions are intended to affect any purpose except the purpose which I do not propose to mention, if they are intended in the slightest degree to affect the passage of the Bill in the English Parliament,—in asking this Parliament to send home resolutions of that kind. What is the measure about which so much has been said here? Listening to what has been uttered on the floor of this House one would suppose the Irish people have no liberties;—

Mr. MILLS. Hear, hear.

Mr. McCARTHY—one would suppose they were a down trodden race;—

Mr. MILLS. Hear, hear.

Mr. McCARTHY—one would suppose they were in the position in which we were before responsible government was granted to us.—

Mr. MILLS. Worse.

Mr. McCARTHY. Worse. They have a larger representation proportionately than have the people of England and Scotland in the United Parliament of Great Britain. They have to-day 87 members; and in the last Parliament they held the balance of power between the two great political parties in the Imperial Parliament. They boasted they could make or unmake governments, as we know they did. They have to-day a band of able representatives in that Parliament; prepared and willing to support their views, and it may be said that by-and-bye they will successfully, perhaps, have their views carried by means of the perseverance and power of that compact body directed by Mr. Parnell. It is not correct to compare the situation of the people in this country before responsible government was granted to us, with that of the Irish people to-day. The hon. member for Quebec East (Mr. Laurier) told us this afternoon that since we had been granted responsible government sullenness had disappeared from our midst,

Mr. McCARTHY.

and peace, happiness and loyalty to the Crown prevailed throughout the land; but does not the hon. member forget that the Bill which gave him that right was forced upon the people of Lower Canada against their wishes?

Mr. LAURIER. It was the Act of Union they opposed.

Mr. McCARTHY. Yes; and it is by the Act of Union that the hon. member got responsible government and the liberty to govern himself of which he has boasted, and which he says, has enabled his people to live happily and prosperously under the British flag. That Act was passed in the British Parliament, against the will of the people of Lower Canada, and yet that union with the people of Upper Canada, which lasted until the time of Confederation, was found, as my hon. friend has had to admit, to confer happiness and peace and prosperity upon us all. Now, the first thing I find in this Act is what, perhaps, may appear to be a terrible wrong, and that is the right to make preliminary investigation—the right, although no particular man may be charged with crime, to hold, as it were, an inquisition for the purpose of discovering who the criminal may be when a crime is committed. We have for some time past adopted that principle with much effect. If a fire takes place, we have the right to hold an enquiry and take evidence for the purpose of discovering who it was that committed the arson. Does any hon. member say that, so far as that is concerned, there is anything so far astray or wrong? We will pass to the next provision of the Bill, the one concerning summary jurisdiction. It does, as has been correctly stated, in certain misdemeanors, not in matters of felony, but in the minor descriptions of crime, enable people who are charged with the offences to be tried before two magistrates, who may commit to gaol for a period not exceeding six months. We are a down-trodden race, for have we not been living under the Canada Temperance Act for some years, and that is the power we find within the four corners of that Act. There are many offences which can be tried under our criminal law before magistrates, most of them, I admit, by the consent of the accused; and if my hon. friends will look at our criminal statistics, they will find that, in the greater number of cases, that tribunal is chosen in preference to going before a jury; but in some cases, not all, the accused are compelled to be tried before a stipendiary magistrate, or a police magistrate, whether they will or not. What is to be done, will hon. members say? If juries will not convict, if out of a thousand crimes the convictions are only sixty-two, if judges in assize town after assize town have to adjourn the courts or to adjourn the trials of the criminal cases, because in the face of the plainest evidence, juries will not convict, I ask hon. gentlemen, who say that this measure should not have been passed, to tell us what should be done. I point to the Act of 1877 to show what we would have done under similar circumstances. I point to the range of our criminal laws to show what we have done from time to time, and I think it hardly lies with the representatives of the people of Canada in this Chamber, which enacts the criminal law, to find fault with the Government of Great Britain and Ireland who have thought proper, under these circumstances, to ask for these powers. Then there is the power to move for a change of venue, but every hon. member at all familiar with our criminal law knows that that power—I am not now speaking of the trial in England; I will come to that later; I am speaking of the other power to move for a change of venue from one part of Ireland to the other—that that is a power to be found on our criminal law. I do not know when it was passed, but it has been there certainly ever since I have been practising law. And it is there now. It is really more fenced. It is more difficult under this Bill to have a change of venue than it is under the Canadian criminal code to-day, because it is only on the representation of the Attor-