

Welland (Mr. German). It certainly appears absolutely clear from the speech of the right hon. Minister of Justice, who, in addition to the high character of the hon. member for Richelieu, dwelt upon the fact that his conduct, since this charge was made, has been such as to bring home to the mind of every fair man conviction of his innocence. And what was the particular act that he held up to us as showing that conclusively? Why, Mr. Speaker, he said that the hon. member for Richelieu, when he paid for these goods, paid for them with his own cheque to the Department of Marine and Fisheries. He made this payment in the manner that would make it the most public thing possible, that would make it absolutely susceptible of such conclusive proof that he that ran might read and be convinced. If the hon. member for Richelieu had felt that there was anything guilty in this payment, would he, the Minister of Justice asked, have made it in that way? The hon. minister was very eloquent on that point. But he completely forgot that the payment was not the thing with which the member for Richelieu was charged. The payment is the entire defence of the hon. member for Richelieu, and, the payment being his entire defence, wonderful to relate, and as conclusive proof of his spotless innocence, he took the trouble to provide himself with conclusive proof of his entire defence. Who can be so partisan as to think him guilty after that? I say that hon. gentlemen on the other side have treated this matter as though the question were whether the hon. member for Richelieu paid or did not pay. The hon. member for Welland seemed to consider that he having paid, that ended the matter, and there was no further ground of complaint. I am not clear what the view of the hon. Minister of Justice was of the nature of the act of payment, because he seemed to consider it something wonderful that that act should have been publicly performed; but I take it that it was in that fact that he found the proof of innocence. Now, Mr. Speaker, whether the hon. member for Richelieu paid in the end or did not pay, I submit, is not material to the substantial question which we have to decide. If we were dealing with the question of what penalty ought to be meted out to the hon. member for Richelieu, I am not prepared to say that this payment, made just as it was, might not avail as a mitigating circumstance; but I ask you, Mr. Speaker, does any one doubt that there are numbers of thieves in the penitentiary to-day who would gladly have paid what they had stolen if thereby they could have avoided the penalty? Both of these hon. gentlemen who spoke are lawyers, and distinguished lawyers, lawyers of the very highest eminence; and yet they stand before this House, apparently expecting us

Mr. DOHERTY.

to accept their proposition, that it is of no consequence how the hon. member for Richelieu got the goods or got the work, provided only he paid for them. I wonder if these distinguished lawyers have heard of such a thing as compounding a felony. I wonder if they know that the victim of a theft who accepts restitution of the goods and undertakes not to prosecute the offender is guilty of an offence himself. And yet, if the charges brought against the hon. member for Richelieu, in regard to the manner in which he got the goods of this country, are true, then this House is being asked on his behalf to compound a felony because he paid. That is the position purely and simply. I am not saying at this stage whether the hon. member for Richelieu is guilty of these charges, but all I want to point out is that what is offered as a defence is absolutely no defence and has absolutely no bearing upon the question of his guilt so far as it is made to rest upon the proposition that he paid for these goods. The question is: Did he lawfully get these goods? If he got them unlawfully it did not become lawful because he paid for them afterwards. If he got them unlawfully it did not become lawful because he meant to pay for them later.

An hon. MEMBER. When he was found out.

Mr. DOHERTY. An hon. gentleman says 'when he was found out.'

Mr. TALBOT. That is a good Tory remark.

Mr. DOHERTY. It is a pleasure to hear the hon. gentleman, once in a while, approve of a Tory remark. But I was saying that even if it were true that when the hon. member for Richelieu got these goods he meant to pay for them, if he got them unlawfully, he is just as guilty as if he had not meant to. How many bank clerks, how many men in positions of trust, are in the penitentiary to-day expiating the offence of having embezzled the funds of their employers, who, nevertheless, when they took that money, honestly, sincerely and earnestly intended to pay and believed that they would pay?

Mr. Speaker, the question is not what was in the mind of the hon. member for Richelieu as to what he was going to do in the future when he got these goods; the question is not as to what he and these employees of the government from whom he got them, had in their minds as to what was going to be done in the future when they handed him over these goods; the question is whether, when these employees delivered over to him these goods and undertook to pay out the moneys of this country to the workmen of the hon. member