

taken or was indeed ever proposed by any member of the English House of Commons. There is no case where anything of the kind has taken place. He also proposes, as I understand from him, to establish the point that outlawry in this country is entirely foreign to our own criminal procedure for the reason that in our Act of 1869 at the 82nd section, it is stated that any person indicted for any offence made capital by any statute should be liable to the same punishment whether it be a conviction by verdict or confession; and therefore the omission of the term outlawry in a particular section of our criminal procedure operates as setting aside all the outlawry proceedings in criminal cases. I will not venture for a moment to discuss the legal aspects of the case. They will be discussed, no doubt, by the gentlemen learned in the law on both sides of this House. I simply take the ground that I think I am entitled to take by enquiries on the subject, that the law of England still prevails throughout these territories, and in Canada where it has not been specially repealed by special enactments. That the law of England does extend to these territories in this respect in this particular instance there can be no doubt whatever, and if it be disputed there is abundant proof of the allegation that it is. In the 78th section of the Act relating to criminal procedure, we find that our own act does contemplate a verdict by outlawry, and it is tolerably clear to my own mind, looking at the question from a common sense point of view; that the ground proposed to be taken by the hon. gentleman is not tenable, so far as the enactment is concerned, upon which he intends to found his objection. I do not propose to enter upon the question as to whether it is so or not. I simply state these facts in order that they may be dealt with by gentlemen who were to follow him conducting the legal part of the argument. The question may possibly be raised as to whether the document laid before the House is precisely the kind that it should be. I do not know whether it is or not. In the O'DONOVAN ROSSA judgment the document itself was not laid on the table, but a certificate from the officer of the court stating that such a decision had been rendered. In the present case the document itself is laid on the table, and it is competent for this House to

*Hon. Mr. Mackenzie.*

question the legality of it. I shall, therefore, move in the first place, "That the record in the case of LOUIS RIEL, laid on the table of the House on the 22nd inst., be now read." I follow, as I said before, very closely the precedent in the SMITH O'BRIEN case, in which the motion was that the decision be entered as read.

The motion was carried, the House dispensing with the reading of the document.

Hon. Mr. MACKENZIE—I now move "That it appears by the said record that LOUIS RIEL, a member of this House, has been adjudged an outlaw for felony."

Mr. MASSON suggested that it would be well to know if there was anything before the House to prove that the LOUIS RIEL who had been adjudged an outlaw was the LOUIS RIEL who was a member of this House.

Hon. Mr. MACKENZIE said the hon. gentleman must judge for himself. The document was on the table making that statement, and the House had dispensed with the reading of it.

Mr. MASSON asked that the document be read.

Hon. Mr. MACKENZIE—It is now too late.

Mr. MASSON—The hon. gentleman should not take shelter behind forms.

Hon. Mr. MACKENZIE—I do not go behind forms. The hon. gentleman should have called for the reading of the document at the proper time.

Sir JOHN MACDONALD—The hon. member for Terrebonne says the fact that LOUIS RIEL is an outlaw in Manitoba is no proof that he is the LOUIS RIEL who is a member of Parliament. That is the point the hon. gentleman makes.

Hon. Mr. MACKENZIE—If the hon. gentleman has any doubt of it he will vote against the motion.

Sir JOHN MACDONALD said that was to a certain extent an answer to the objection, because the Premier in his reply had by inference stated the two were one and the same person.

Hon. J. H. CAMERON quite agreed with what his hon. friend said; that there was enough to bring before the House the fact that the person charged with outlawry was a member of this House. The Premier had partly stated his (Mr. CAMERON'S) objection to the House, but not being a lawyer he could not be expected to remember exactly what was said. His (Mr. CAMERON'S)