

ment of the Minister himself. But I deny, that because, during the closing hours of last session when only 110 members were present, before the papers were fully printed, before it was possible to digest these accounts, this question was brought before the House, that the House is not now as free as it ever was to consider, and more deliberately, as we are doing now, and to determine, what we should do, and what we should say with regard to the political officer who is charged here with the offence. But, Sir, if I were to venture upon any criticism with regard to any subsequent conduct, which I do not think at all either adds to or takes from the offence which, in my judgment has been committed by the Minister, I should ask how it is that the party who stole in the early part of 1893, that was reported upon by this commission some time in the month of January, 1894, was never prosecuted until the month of October, 1894. Now, Sir, has there any excuse been given for that? All the facts had been collected by the commission. They needed no collecting, they needed no grouping, they were all in the department, and from the early part of 1893, in the month of May or June, when the money was paid, not a step is taken until the month of October in the following year, when, hounded on by public opinion, hounded on by the comments that were made, by myself among others, upon the extraordinary fact that no attempt had been made to prosecute this criminal, as I think we may call him, the department commenced a prosecution in the month of October, which terminates seven months afterwards in the month of May.

Sir CHARLES HIBBERT TUPPER. I would mention this fact, that the commission did not suggest any evidence of crime.

Mr. McCARTHY. Then where did the evidence of crime come from?

Sir CHARLES HIBBERT TUPPER. Later on.

Mr. McCARTHY. Well, all I can say is that my hon. friend the Minister of Justice takes a very charitable view of the case. If that commission did not show that there had been crime, then I do not know where or how you are going to find it.

Mr. MULOCK. Did not that commission suggest fictitious pay-lists?

Sir CHARLES HIBBERT TUPPER. Mr. Frigon, who was the first witness of crime, was not heard before the commission, but before the Public Accounts Committee.

Mr. McCARTHY. It was the first direct evidence, if you like, but surely you do not wait to prosecute criminals until you get direct evidence, and if this man Frigon had never turned up and made a clean breast of it, surely it would not be pretended that no prosecution would have been commenced.

Sir CHARLES HIBBERT TUPPER. I think we ought to wait until we get evidence before we prosecute.

Mr. McCARTHY. All I can say is that I do not think that any subsequent conduct in the slightest degree removes the censure or makes in favour of the Minister himself. Now, Sir, I dislike very much to comment upon the conduct of the police magistrate of Montreal. I observe by the public press that the outspoken terms in which the police magistrate of Montreal was referred to here by a much more important member of this House than I am, the Minister of Justice himself, have met with severe condemnation at the hands of the press and also the Bar of the city of Montreal. Now, I cannot pretend to say what the practice is in Montreal, but I think you will search all through the criminal practice in England, as well as in any other English-speaking community, to find a case which, on a preliminary inquiry, was dragged out to the length to which this inquiry was extended in Montreal. Why, I should have thought with proper management—and I am not desiring at all to reflect upon my fellow-members of the profession who were engaged in the case, because, as I say, I do not know what their instructions were—but I do think with proper management that case could have been presented to the police magistrate in one or two sittings, and that in one or two sittings he ought to have been able to say whether a *prima facie* case was made out for trial.

Sir CHARLES HIBBERT TUPPER. I beg to say that you know very little about the case.

Mr. McCARTHY. The hon. gentleman seems to know more about it than I do.

Sir CHARLES HIBBERT TUPPER. I have to do so.

Mr. McCARTHY. I never heard in all my experience, and it is a good deal longer and wider than that of the hon. gentleman, of such a case, and I challenge the hon. Minister to show when an investigation before a magistrate of a charge of obtaining money on false pretences, was ever permitted to drag along such a length of time.

Sir CHARLES HIBBERT TUPPER. The hon. gentleman never conducted a case in Montreal before Judge Desnoyers. And I say this, that while my experience is not as great as that of the hon. gentleman, it does not enable me to furbish up a case where a magistrate ever allowed so many continuances and adjournments, against the wish of the Crown, as Judge Desnoyers allowed. The hon. gentleman will not charge the Crown with not pushing the case. We pushed the case, but the magistrate had control.

Mr. McCARTHY. I do not charge the Crown or the Minister or those in charge of