

tent with the public interests to extend the merciful consideration of the Crown to those who are now undergoing imprisonment for offences connected with or arising out of the rebellion."

Que demande M. Fraser, au nom du gouvernement? Il demande l'amnistie pour ceux qui sont en prison; il demande l'exercice de la clémence royale. Encore une fois, il n'intervient pas pour blâmer le gouvernement du Canada, mais il veut exercer une juridiction que je pourrais appeler encore une fois, une *juridiction gracieuse*.

Quelle a été la réponse de la Chambre à cette motion? Nous voyons que 47 députés, évidemment libéraux, ont voté dans ce sens; les conservateurs paraissent avoir voté dans le sens contraire. Puis, n'oublions pas que l'attitude prise par les conservateurs de la province d'Ontario, n'est pas celle que l'on nous invite à prendre aujourd'hui. L'attitude prise par les députés conservateurs d'Ontario n'est pas hostile au gouvernement du Canada. Ce qu'on voulait, au fond, c'était de faire un compliment, c'était de donner un acte d'approbation à ce gouvernement, tout en demandant l'amnistie pour les prisonniers. Cependant, le gouvernement et la législature d'Ontario ont repoussé cette proposition, parce qu'elle renfermait une appréciation d'un acte en dehors de leur contrôle.

Mais il est bon, afin de se fixer davantage sur cette question, d'examiner les motifs donnés par M. Fraser.

Je vais exposer à la Chambre en deux mots ce qu'il dit: Il dit que s'il s'agissait de faire une motion demandant l'exercice de la prérogative royale de pardon, il n'y verrait aucune objection. Mais quand il s'agit d'un autre acte d'intervention concernant l'administration de la justice en dehors de la province, la Chambre ne doit pas le faire, cette question est, du reste, du ressort des tribunaux, et elle a été déjà jugée.

Nous n'avons pas les faits par devers nous, dit-il, et nous ne pouvons pas nous prononcer sur cette question. Il déclare aussi que le moins la province d'Ontario s'ingérera dans les affaires fédérales le mieux ce sera pour elle.

Voici les paroles de M. Fraser, telles que je le trouve dans le *Globe*, de Toronto:

"I trust my honorable friend will not introduce this amendment at this time, but will wait until it can be more fully considered and dealt with. There are some parts of this resolution that I would have no objection to at all. But I think upon reflection that he will feel that we ought not to intrude too prematurely into matters that more properly should be dealt with by the authorities elsewhere. (Hear, hear.) If any recommendation in favour of clemency that this House can make shall have the effect of bringing about a better condition of affairs, I for one, will only be too glad to assist in bringing it about. But he will see, and I think the House will see, that there may be a possibility of bringing into a recommendation of that kind suggestions of matters which, after all, this House should not pronounce upon. It is no part of our duty to say whether justice has been done or not, and I do not think we are called upon to say anything about that. Supposing now that we were called upon to pronounce upon a proposition that the law had

"not been justly carried out. The fair answer to that proposition would be: we have nothing to do with that here. We have nothing to do with the question whether or not the Executive at Ottawa has or has not done right in a matter affecting the administration of justice. In a matter outside of this Province, in a matter having nothing to do with the administration of justice in our Province, I think it would be,

"A FAIR ANSWER,

"to say that this House would be taking upon itself to deal with matters with which it ought not to deal. The less that we undertake of matters purely and wholly of a Dominion character, the better it will be for all of us. (Hear, hear.)

Et ce qui fait qu'il refuse, c'est la raison que j'ai donnée, qu'il ne s'agissait pas d'un cas ordinaire, mais qu'il s'agissait d'une question touchant l'administration de la justice. Il revient là-dessus dans trois ou quatre endroits de son discours. Il prend absolument l'article de l'Acte de la Confédération que j'ai cité tout à l'heure. Il dit: "In a matter outside of this Province, in a matter having nothing to do with the administration of justice in our Province, &c."

Il ajoute:

"We could of course make a recommendation that mercy should be shown as any authoritative body might do, either within, or I might say, without the Dominion. I can see by the smile that beams on the faces of some of my friends opposite that they think they are going to gain some party advantage by bringing into what appears to be a recommendation of mercy something which may be made use of elsewhere, in order to show that we had pronounced upon certain other matters. But I say that when we, as a deliberative body, will be called upon to pronounce as to the justice or injustice of what may have occurred in the execution of the law, it is perfectly plain, that before we can come to any decision—supposing it is a reasonable thing to discuss the question at all—we must have

"ALL THE FACTS BEFORE US."

Il continue:

"Our recommendation to mercy may amount to something, but our pronouncing upon these other matters will amount to nothing at all. And therefore I say that the honorable gentleman who has moved this amendment is not acting fairly in the interests of those for whom he professes to want mercy. If he wants mercy and clemency to be extended to these prisoners; if he wishes for peace and good order, and all that may follow from a lenient carrying out of the law; if he wants this House to make an unanimous recommendation to mercy he is not taking the right course. (Applause.) He is subverting that purpose to serve some party end. (Cheers.) I do not suppose there is a man in this House, whatever his politics or religion, who would not willingly join him in a recommendation for mercy. But when one who

"PROFESSES TO BE A FRIEND

"to those in prison attempts to introduce into his action something which may make it necessary for the House to reject it, then he has destroyed the object which he professes to have at heart.

"(Cheers.)
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