

unhappy troubles in the late Provinces of Upper and Lower Canada, to such of Her Majesty's misguided subjects, in so far as may be compatible with the safety of the Crown and the security of the Province, and of all attainders and outlawries during the period of four years."

In 1842, Mr. Lafontaine proposed to Sir Charles Bagot an amnesty, to which he agreed for all except Papineau. Mr. Lafontaine declined, and threatened to resign. The Government yielded, and a *nolle prosequi* was ordered as to Papineau whereon he was able to return, as he did in 1845. It is unnecessary, Sir, for me to refer to the Upper Canadian rebellion, in respect of which, one might almost go through a similar history. I have gone so far, in order to show the language which is used in events of this description while they are going on, as contrasted with the language used a few years afterwards, as illustrating the view taken when passions have subsided and the mists of prejudice have disappeared. It is to that view that the Executive should look in their determination of cases of this description; it is not the view of the moment; it is the view of the future they should look to. Then I turn to another case of a more recent date—the case of the Fenian invasions of Canada. These Fenian invasions harassed us for a number of years. On the 9th of March, 1866, Lord Monck reports to the Secretary of the Colonies:

"These reports, taken in connection with the open avowals at their public meetings, held in the United States, of the leaders of a portion of the Fenian Society, that it was their intention to attack this Province, had induced a feeling of great uneasiness and insecurity amongst the people. * * * It will be satisfactory to you to learn that the order calling out the force was issued by telegraph from headquarters to the different stations, late in the afternoon of Wednesday, the 7th instant, and that by noon on Thursday, the 8th, answers had been received showing that at that time about 8,000 men were mustered and prepared to move on any points where they might be required."

Well, the advance did not come at that time. On the 4th June, 1866, Lord Monck says:

"The body of Fenian conspirators who crossed the frontier from Buffalo to Fort Erie, on the morning of Friday, 1st June, proved to be between 800 and 900 men, and seemed to have been well armed. Immediately on the receipt of the intelligence of the invasion, Major-General Napier pushed on by rail to Chippawa, a force consisting of artillery and regular troops, under Col. Pascocke, 16th Regiment. * * * They came upon the Fenians encamped in a bush, and immediately attacked them, but were outnumbered and compelled to retire to Port Colborne. This occurred some time on Saturday, 2nd June. * * * We have 65 prisoners in our possession, who have been, by my direction, committed to the common gaol, at Toronto, to await trial."

On the 8th June, 1866, Lord Monck writes thus:

"Immediately after the first news of the invasion reached me the whole volunteer force of the Province was placed on active duty. * * * I am sure I do not exaggerate when I say that within twenty-four hours after the issue of the order 20,000 men were under arms, and that within forty-eight hours after the same time they, in combination with the regular troops, were disposed, by the Lieutenant General commanding, in positions which rendered the Province secure from attack. * * * With the assistance of the officers and men of the ships of war now in the St. Lawrence, a flotilla of steamers has been chartered by the Provincial Government, and fitted up as temporary gun-boats for service, both on the river St. Lawrence and the lakes. * * * Parliament is to assemble this day, and it is intended at once to suspend the *Habeas Corpus* Act and to extend to Lower Canada the Act at present in operation in Upper Canada (Consolidated Statutes Upper Canada, chap. 89), providing for the trial by military courts martial of the prisoners."

Then on the 29th May, 1869, Sir George Cartier and Hon. Wm. McDougall, presenting the claims of Canada with regard to the Fenian invasion, made the following report to His Excellency Sir John Young, Governor General:—

"The undersigned * * * deemed it their duty to represent on behalf of the Government of Canada to the Right Hon. the Secretary of State for the Colonies, Earl Granville, that the Dominion of Canada; and the Provinces comprised in it had expended several millions of dollars in resisting the attacks of the so-called Fenians. That such invasion did take place, and that several of Her Majesty's subjects lost their lives in repelling their murderous attacks, and a large amount of property was destroyed, and heavy losses and damages were sustained by several of Her Majesty's subjects."

"GEO. E. CARTIER,
"WM. McDOUGALL."

The report of the Privy Council, 2nd June, 1870, calls the Fenian invaders "brigands." The despatch of Lord Granville expressly calls them "a body of conspirators" and declares that "it is not often in the history of civilised nations that a country has suffered from an attack so gratuitous and unjustifiable." The report of the Privy Council on 1st July, 1870, speaks of the Fenians as "the miscreants concerned in these outrages." The report of the Privy Council, 28th July, 1871, states that:

"The Fenian organisation has for nearly seven years been a source of irritation and expense to the people of Canada."

The memorandum of the Privy Council of 1871 declares that one of the principal objects of the organisation created in November, 1863, has been the conquest of Canada against the people of which it is not pretended it has had any cause of complaint. The report of the Privy Council of November, 1871, says of the expedition:

"These plundering and murdering expeditions were promptly repulsed, but not without the loss of valuable lives and great injury to the country."

So much with reference to the view that high political authorities took of the character of those expeditions. Listen also to the language of Judge J. Wilson in passing sentence on R. B. Lynch found guilty without any recommendation to mercy:

"You and those who were with you profess to have come here to redress the grievances of many centuries and to right the wrongs of an oppressed people. You allege that the iron heel of the Saxon was placed on the neck of the Celt hundreds of years ago, and that your object was to free your land from that oppression. If you had reflected you would have seen that you began to do this by attempting to inflict on us the very injuries under which you contemplated your native land as suffering. Why should your iron heel be placed on our necks? In what way did we hurt you that you should endeavor to do this grievous harm, and why should our homes be made desolate, our young men slain, and our farms pillaged by you? Will any man of sense answer these plain questions? Was it anything less than murder, was there any possible excuse for you to come here in the dead of night to kill our people, to ravage our homes, and to lay waste our farms and habitations, in order, as you say, to relieve the conditions of Ireland? What right had you, or who could have authorised any man to commit such a wrong as you perpetrated upon us? It is putting the matter in a very plain and clear light, just such a light as you must have perceived it in, if you had thought for a moment before going with this mad and wicked enterprise. You stand there surrounded by the friends and relations of the men you slew on that occasion."

You cannot be surprised that the law should be enforced, and that you should suffer its dread penalty, as I am very much afraid you will; for how could we permit the young unreflecting men who were brought here by you and others like you, who placed confidence in you, who put faith in what you said; how, I say, could we in justice punish them if we allowed you, the greater criminal, to escape."

And after that sentence and under those circumstances, that sentence was not executed. The prisoner's sentence was commuted, not even for life, but for twenty years' imprisonment, and as far as my knowledge goes he was pardoned not very long after the sentence was given. That was the case of a person who never had any pretension of being a Canadian citizen, who never had a pretence of having a grievance against Canada, and who cost us so much in time, money, anxiety and life. That indicates that the modern doctrine, as applied by ourselves in this case, is a doctrine which practically excludes from almost any conceivable case of a political offence a capital sentence. Now I turn to this case in hand, and I say that some language has been used before and in the course of this debate, which I, for my part, cannot approve of, language which seems to ignore as non-existent the right of resistance. I think here, and I have never disguised my opinion, that the half-breeds should not have risen, and that in that sense the rebellion was not justifiable, but the position which was taken by the Minister of Militia at Winnipeg, and the position he took the other evening, and the position which other hon. gentlemen have taken in this debate upon this general question, seems to me to be at variance with our understood constitutional rights in the larger sense. Always there is legal, but only generally is there moral guilt