

"I regret very much that this decision has been come to, but we have felt ourselves bound to arrive at it," and I do not consider that the House of Commons is a place where cases can be tried over again."

Sir William Harcourt, who, we were told the other day, is a great statesman, said:

"It is a very serious thing to reconsider, in a matter of this description, the deliberate decision of a judicial tribunal. Although, of course, I do not deny for a moment the right of any member of Parliament to bring forward a matter of this kind, still I assert that it is most inconvenient and almost impossible for this House, upon *ex parte* statements, or even upon an argument of the case, to arrive at a proper decision of the matter. We cannot dispose of matters of this kind by a debate, even if it be most calmly and carefully conducted, in a popular assembly."

Mr. Trevellyn said again:

"The discussion has shown how inconvenient it is to try a case of that kind over again in the House of Commons, for the hon. member who has just spoken practically tried the case over again—"

I can repeat those words with emphasis, when I reflect upon the speech that we listened to last Friday.

"not from any new evidence he has brought forward in regard to the case itself, but upon an argument in connection with a case that occurred in Manchester some years ago in which it was shown that there was a case of mistaken identity. I think we should as far as possible recognize the principle that the question of dispensing the mercy of the Crown should not become a matter of debate in this House."

If this is to be done, if a political discussion is to follow the action of the Executive in every case in which clemency is given or refused, one can easily understand what confusion we shall introduce into the administration of criminal justice in this country. The greatest criminal who may be condemned by the tribunals will have some hope that if his case can only be thrown into the vortex of politics, to quote the language of Louis Riel on the day of Batoche, "politics will save me." He will point to the fact that, fifteen years ago, a political party in this country made a desperate effort to gain power by appealing to public passion about a great tragedy which took place, and that having failed in that enterprise, fifteen years afterwards they considered they could climb into power on the feeling provoked by another tragedy—first trying fortune upon the fate of the victim, and then trying it upon the fate of the murderer. It will result, Sir, that the Executive, especially if it be weakly supported in this House and in the country, must seek to do, not what is right merely, not what is justice merely, not what is a fulfilment of the law merely, but that which is most popular in the country, in view of the fact that the case is likely to be tried all over again in the House of Commons as a court of appeal, and in view of the fact that afterwards it will be tried all over again at the polls. More than this, we have had already indicated a still more serious result. It is not merely that the administration of justice is to be brought into disrepute, not merely that its just enforcement is to be endangered, but if the Executive shall attempt to carry out the law, then in relation not merely to the Executive itself, but in relation to the people who support its policy, and all people who believe that it was simply carrying out the law and discharging its duty, a cry of revenge, as my hon. friend from Kent (Mr. Landry) said, is to go up, and be kept up, by one section against the other. We shall have, then, not merely the administration of justice degraded, but we shall have, as indeed we had in the month of November last, the cries of civil war raised in our own streets, when they had died away on the banks of the Saskatchewan. We have heard, at each stage of the debate, the cry for more papers. I do not presume to discuss what was done in the House last Session, although I have had full access to its records, but I have noticed that this Session the cry became more urgent and more emphatic the more papers were brought down. We had first the cry that the record was not complete. We had issued to the public and laid on the Table of the House all that constitutes, technically, the record in criminal cases—all that would go before a court of appeal—all that should be asked for here if this Parliament is to be considered a court of appeal. There was even more than that in the blue book which we printed and circulated; but we had hardly met when we were told that we must have all the arguments upon the controversy about the postponement of the case, although that argument resulted in an agreement between the counsel which withdrew the matter from the consideration of the court altogether. Those papers were brought down, and the cry became louder and more urgent still for more papers. We were told there was a controversy on the trial as to whether Louis Riel should be allowed to defend himself, besides being defended by counsel—"bring that down." We brought that down to this House, and the cry became more urgent still. "We have not the judge's charge here," it was said, and one hon. member told the House that we were not even in a position to tell the House that the judge's charge was before the Court of Appeal in Manitoba, although the blue book which he held in his hand contained the judgment of that court, in which one of the judges said that he had great satisfaction in being able to say that he had read the whole charge and that he endorsed every word of it. Well, we brought down the judge's charge and the cry became more urgent still. One said all the papers that were asked for were not brought down, and another complained that we had brought down more than were asked for—simply for the reason that those which were brought down were not as satisfactory to them as some hon. gentlemen expected. Let me turn the attention of the House again to the practice which prevails in the British Parliament upon that question. I have looked, I think I may say, at every case which has come up for consideration in that Parliament for the last twenty-five years, and I have been unable to find a case in which the papers connected with a criminal case were laid before Parliament at all. The question has arisen there sometimes on the motion to go into Committee of Supply, sometimes on a question which the Home Secretary has to answer, but never upon a motion of want of confidence—never with the request that the papers should be brought down. But, while I have been unable to find a record produced to Parliament, in such a case, I am able to find that it was refused, for, on the 17th of May, 1878, in the discussion of the case of George Bromfield, reports touching the insanity of the prisoner were asked for, and Mr. Asheton Cross, the Home Secretary, said that "all the communications made to the Secretary of State in the matter were of a confidential character, and therefore he did not consent to produce them." I think, Sir, that as soon as the papers which remain to be brought down are laid upon the Table of the