

plaint that there were too few jurors. The Statute of 1877, creating this court, took away the jurisdiction of the judges who, in the Act of 1875, would have tried the case, and reduced the number of jurors, and that Act was introduced in this House by hon. gentlemen opposite, when the hon. member for West Durham (Mr. Blake) was himself Minister of Justice. I say this, not for the purpose merely of saying *tu quoque*, not for the purpose of making a political comparison between the legislation of one party and the legislation of another, but for the purpose of drawing, what I think is a legitimate conclusion from these facts, namely, that if both sides of the House had acquiesced in this legislation, confiding in the great abilities which the hon. member for West Durham was able to bring to the preparation of the Statute, the Government had no occasion to mistrust it, or to believe it was ill considered, and I had no occasion to expect that the hon. member would have raised, as one of the criticisms by which he sought to make this House believe the trial was unsatisfactory, that the trial took place before one of the very men into whose hands, by his own Statute, he had put the issues of life and death. It is said, Sir, that these judges are to some extent political officers, inasmuch as they are, by virtue of their offices, members of the North-West Council. When I turn again to the legislation on that subject, I find that that provision was inserted not by the gentlemen who sit on this side of the House, not by the gentlemen who had in this case to administer the law, but was put by gentlemen opposite into the Act of 1875. It was said that these judges are, to a certain extent, dependent upon the Executive. I fail to see any very broadly marked distinction in these days between judicial officers who hold their office during good behaviour and judicial officers who hold their offices during pleasure, considering that the state of public sentiment in regard to officers of that kind, and the disposition of Parliament, in dealing with a Government that would dare to exercise its pleasure unfairly and without due cause, would be such as to make a judge, even if appointed during pleasure, practically irremovable except for cause. But the tenure of office was established by those gentlemen; those travelling fees, for which it is said they depend upon the Executive, were allowed by these gentlemen themselves, and year after year those travelling fees and those allowances, which it is said made fallible the judgment of the judges there, or might have made their judgment fallible, were introduced and voted by hon. gentlemen opposite, and, after they went out of office, were voted for by them without a murmur or complaint. It was said likewise that a grave mistake had been made in the selection of the judge. It was said that Judge Richardson stands in the position of Attorney-General in the North-West. I think that that is hardly a correct statement of his position there. He acts, it is true, as law clerk to the North-West Council, as legal adviser in reference to the legal business that comes before that Council, and as such he receives a paltry, almost a nominal, emolument, which is likewise voted to him, not by the Executive, but by the Parliament, and can only be paid to him by virtue of an Act of Parliament. The criticism was likewise made that Judge Richardson was a member of that Council when it undertook to pass an expression of opinion upon the conduct of the Executive in this very case. In justice to Mr. Richardson, I must say that, when those resolutions came before the North-West Council for deliberation, he withdrew from the Board. I think that the choice of Judge Richardson was as wise a choice as could have been made. He was no appointee of ours; it could not be said that for any political services he had rendered to this Government or this party in the past he had received his judicial office, because he received his appointment at the hands of hon. gentlemen

opposite; and I presume he received it, as all judges are supposed to receive it, on account of qualifications for the duties he had to discharge, one of those duties being, by virtue of the very Statute which they passed themselves, the disposition of capital cases. Besides that, he was the senior judge in the North West, and, in that respect, as well as in regard to his professional qualifications—as to which I will say little, because it would be invidious to make a comparison between him and his colleagues—he seemed to be at the head of the list of those who had to be entrusted with the execution of this very serious duty. But when we were told that there is danger of any of these tribunals being corrupted by the circumstance that this Parliament votes them moneys from time to time for their travelling expenses or allowances for the discharge of any other public duties incidental to their office, or otherwise, the hon. gentleman raised, in my mind at least, the recollection that, in the great Province which he represents, a large portion of the judiciary receive a considerable augmentation of their salaries, from the Provincial Government. I should like to ask at what stage in the parliamentary existence of this country partisan strife became so hot that any hon. gentleman degraded himself by aspersing the judiciary of Ontario, even in regard to the questions which arose between the Government of the Dominion and that of Ontario, by suggesting that the minds of the judges were warped by the additions to their salaries which they received from the Provincial Government? I ask then whether the hon. gentleman's criticisms were quite fair to the Government or to the officer more particularly mentioned? If it was not intended to asperse the mode of conducting the trial, as being unfair, on account of these considerations, I ask why these criticisms were introduced at all? I ask why the public confidence in relation to the administration of justice by these tribunals should be weakened by such criticisms, unless to show Parliament that the trial was unfair? The hon. gentleman said that these difficulties ought to have been removed. I understood him to intimate—it was the conclusion, I admit, which I drew from his language more than the language itself—that it would have been better if, last Session, in view of the difficulties which had arisen in the North-West, the Government had created special tribunals there for the trial of these offenders. At any rate, he did express plainly that it was the duty of the Government to have provided some special legislation in regard to those tribunals. I ask the House if, after the crime had been committed, after Louis Kiel had come into this country and had stained his hands with the blood of our citizens, and after the rebellion had been suppressed, the Government had changed the law, had made new tribunals, and had put that criminal in a different position from that in which he stood when he came into the country, there would not have been a feeling from one end of Canada to the other that we had passed an *ex post facto* law, and had done an injustice which should not have been done to the vilest criminal in the land? That, Sir, is my own opinion on that point, but I am able to cite an authority for it too. Within the last two or three months, a gentleman who discussed public questions very ably, in a portion of this country not very remote from this place, undertook to discuss the various phases of this trial. He was a gentleman able to bring to the discussion of these questions long experience and high abilities, which are known to every section of this country. He had this to commend him too—I shall not say it was the hon. member for West Durham (Mr. Blake), I can hardly think it was, when I heard his speech, but it was at least a namesake of his, and that gentleman said in reference to this very trial, in reference to this very criticism which had then gone abroad, in reference to this very suggestion that it would have been better if the Government had taken special legislation in reference to these tribunals;