

find the account of this same Minister with reference to Byng, that when a deputation waited on him shortly before the trial took place, to make representations against the Admiral, he answered: "Oh, indeed, he shall be tried immediately, he shall be hanged directly." So you see, Sir, there are very curious parallels between past and present times. Now, Sir, I have held, and I hold this Government responsible for every dollar of the public and private treasure which has been expended, for every pang that has been inflicted, for every life that has been lost, whether on the field or on the scaffold in the North-West, and I believe that for this, their responsibility, they will be called to a strict and stern account, here first, and afterwards at the great tribunal so soon as they, who boldly challenge us to come on, choose to bring forward those papers which they hold—I do not know whether they be yet mouldering or unopened—but which, in some way or other, they hold within their vaults. Now, with reference to the insurgents, of course there was legal guilt—of course, rebellion, the old saying is, is always treason until it becomes revolution. The degree of moral guilt is not a question for the jury at all; it is a question to be considered when you come to award the punishment. It does not affect in the slightest degree either the verdict of the jury or the sentence of the court. Riel was legally guilty, no matter how great, and pressing, and long endured the grievances may have been; no matter how strong the case may have been; Riel was legally guilty, no matter what the moral justification or the moral palliation or excuse may have been; Riel, and those who rose with him, were legally guilty of the crime of treason, if they were mentally responsible. The Crown in the course of this trial, stopped the evidence about the grievances, and they stopped it—I make no complaint of their conduct—they stopped it rightly, because it was no defence at law, because it was utterly impossible, as the Crown counsel observed, that the court which sits under the authority of this Parliament and of this Government, could permit evidence to be taken to show that treason or rebellion against this Government was a justifiable thing. There was then, Sir, upon this trial before the jury, complicity with and a league in, the insurrection being abundantly proved, and in fact practically admitted, the single question whether the prisoner should be found guilty, or whether he should be found not guilty, on the ground of insanity. Now, before dealing with that question, I wish to refer to some only of the incidents connected with the trial, and I regret that the course of this debate has somewhat lessened, in one or two respects, the favorable impression which I had derived and had pleasure in expressing on a former occasion. I have myself expressed—and I had hoped, and hope now that what I said, though not said here, might have been thought, not wholly unworthy of some observations—I have expressed my regret at the choice of the judge in this case. I have pointed out there were some difficulties in relation to any judge who might be appointed under the existing circumstances; that in the first place these stipendiary magistrates, in the North-West were, in truth, inferior magistrates. They are not magistrates—I desire to speak of them with all due respect—but confessedly they are not magistrates in any sense of that weight, dignity, authority, and standing which belong to those magistrates, who, under the laws of the older Provinces of the Dominion, are entrusted with the trial of capital offences. I have pointed out, besides, that those judges are political officers, as members of the North-West Council, of that very North-West Council which, shortly after these trials, thought it within the sphere of its duty to pronounce an opinion—first of all, upon the conduct of the Government with reference to the transaction of its business, that portion of its business the neglect of which led to the insurrection and gave the opportunity for the insurrection; and, secondly,

Mr. BLAKE.

to pass an opinion upon the course which ought to have been, or the course which was, pursued by the Government with reference to the execution of this very sentence. I have pointed out also that the standing of those officers in another important respect is inferior to that which ought to be the standing of men entrusted with such issues, in this: That they are not officers holding their office during good behavior; they are officers holding their office practically during pleasure. The security which grows from the entire independence of the judges of the Executive Government, does not subsist in this case, and the fact that it does not subsist has been emphasized by this Government, which in a well known case has removed one of those stipendiary magistrates from office. So that, not merely in theory, but in practice has the lesson been taught that these judges are under the control of this Government. Those difficulties, in my opinion, should have been removed by legislation. I do not think that Parliament as a whole, whatever the Administration may have done, really contemplated that trials for high treason or treason-felony should take place before those magistrates. I do not suppose that in what we thought was happy, peaceful and contented Canada there was any one who thought of the possibility of a trial for high treason or treason-felony. Speaking for myself I say it never occurred to me that we should have such a trial last year or any year in our country; and I therefore say that I fancy it must have been upon that view very largely that the legislation which was passed by the late Government and which was amended in a direction which diminished to some extent the securities for the prisoner by the present Government, was passed. You may say these are but theoretical difficulties after all. I say, no. I say they are serious practical difficulties. I have already said elsewhere that the question is not simply of the actual fairness of the trial. It is of the last consequence that the public should have all the securities which constitutional government and parliamentary government have wrested from the prerogative, and that there should be in the minds of the public a certain conviction that those securities exist and are available. This is not a new question with us.

It being Six o'clock the Speaker left the Chair.

After Recess.

SECOND READINGS.

Bill (No. 24) to incorporate the Kingston and Pembroke Mutual Aid and Insurance Company, Limited.—(Mr. White, Renfrew.)

Bill (No. 25) respecting the Northern and Pacific Junction Railway Company.—(Mr. McCarthy.)

Bill (No. 27) to amend the Act to incorporate the West Ontario Pacific Railway Company.—(Mr. Macmillan, Middlesex.)

Bill (No. 32) to incorporate a Community of Religious Ladies under the name of "The Sisters, Faithful Companions of Jesus."—(Mr. Royal.)

Bill (No. 33) to incorporate the Shuswap and Okanagan Railway Company.—(Mr. Homer.)

Bill (No. 37) to naturalise Girolamo Consentini, commonly called Baron Girolamo Consentini.—(Mr. Hall.)

Bill (No. 38) relating to the Niagara Grand Island Bridge Company.—(Mr. Baker, Victoria.)

Bill (No. 40) relating to the Canada Southern Bridge Company.—(Mr. Baker, Victoria.)

Bill (No. 45) respecting the Dominion Lands Colonisation Company, Limited.—(Mr. Beatty.)

Bill (No. 48) to amend the Act to incorporate the Niagara Frontier Bridge Company.—(Mr. Rykert.)