

asylum, and escaped. I think the Minister should provide that the prisoner shall not be allowed out of the penitentiary unless he is clearly proved to be insane.

Sir CHARLES HIBBERT TUPPER. We provide the double check, consisting of the certificate of our own surgeon, and the approval of the local authorities, which, in most cases, depends on the certificate of two physicians.

Mr. MULLOCK. I do not think the opinion of the two physicians will be much more than an echo of the original opinion.

Sir CHARLES HIBBERT TUPPER. That is from the standpoint of the province.

Mr. EDGAR. If you provide in the Bill that the dangerous lunatic should not be taken away from the prison until he had been accepted as insane, there would then be the double check before removal.

Sir CHARLES HIBBERT TUPPER. He never leaves custody.

Mr. EDGAR. He does not leave custody, of course, but my hon. friend's point was that a dangerous prisoner, feigning insanity, might deceive a surgeon, and be sent out under insufficient protection, and escape.

Sir CHARLES HIBBERT TUPPER. We must take that risk, which I think is not great.

Mr. EDGAR. But it would be easy to remove that risk by inserting the words: "Before removal from the penitentiary."

Mr. MONTAGUE. I think the point my hon. friend urges arises from a misapprehension of the manner in which patients are admitted to asylums. No patient is admitted on the certificate of one physician; of course, in this I speak for my own province only, he requires the certificate of two physicians. The examination will undoubtedly take place in the penitentiary, and my hon. friend the Minister of Justice, in this Bill, provides that the examination by the surgeon in the penitentiary shall be really a groundwork on which application is made to the provincial authorities for the admission of the prisoner to an asylum. Then the usual course pursued is to employ two physicians to examine and report, and upon their report the patient is admitted to the asylum.

Mr. EDGAR. That is exactly what I contend for. All I want is the additional protection of whatever may be required in the province.

Sir CHARLES HIBBERT TUPPER. We shall have three physicians instead of two.

Mr. EDGAR. Yes, but where?

Sir CHARLES HIBBERT TUPPER. Before the man leaves our hands.

Mr. EDGAR. That is all I ask, that you should insert the words "before removal"; otherwise the prisoner might be taken away under such guard as the warden chose, without a sufficient certificate of insanity.

Sir CHARLES HIBBERT TUPPER. I am warranted in resisting the suggestion of the hon. gentleman—

Mr. EDGAR. Of the Secretary of State?

Sir CHARLES HIBBERT TUPPER. I do not think the Secretary of State went that far. We have the authority under the old Act to remove insane prisoners on the certificate of the surgeon, and now, in addition to the checks which the provincial authorities have adopted, and which are satisfactory to the people at large, we bring the opinion of another surgeon. I think these are sufficient safeguards.

Mr. MCGREGOR. I think it is necessary that safeguards of this kind should be provided. We had a case lately in which a man was committed to prison from the town of Windsor. It was claimed that he was a lunatic, and he was examined by two physicians and the prison surgeon, who declared him to be insane. The result was that, although he was sentenced for six years, after he had been in prison for six months, the Department of Justice turned him loose on the public without any reason whatever, and the next morning he was found with his friends on a front street in Toronto feeling quite happy and comfortable, and he is now in that city. We feel aggrieved at the injustice which has been committed in this case. We have applied to the Department of Justice for a remedy, and I may, perhaps, bring the matter up in the House again on a future day.

Sir CHARLES HIBBERT TUPPER. I am glad the hon. gentleman has mentioned that case, which I have heard of. It occurred before I came into the department, and it is one of the cases that have led to this Bill.

Mr. MCGREGOR. It was only April last.

Sir CHARLES HIBBERT TUPPER. The case I have reference to occurred about the time I went to the Department of Justice. Probably it is the same case as that mentioned by the hon. gentleman. There was a gross fraud practiced upon the Government in connection with a prisoner who had been sentenced to the term mentioned by the hon. gentleman. He feigned insanity, and satisfactory representations were made by reputable men that if he were pardoned his people would have him placed in an asylum at their expense. In order to carry out that proposition, a pardon was given to the supposed lunatic, but no sooner had he obtained his liberty than he threw off all guise of insanity and is now at large. Those