Thomas Scott at that time, and again in 1885, when he threatened to hang Thomas McKay and Charles Z. Nolin, Riel's conduct indicated that he was insane, or that he was perfectly sane, and had systematised in every particular a method of carrying out his plans. Again, commenting on the case of the Queen vs. McNaughten, tried at the Central Criminal Court, London, England, in March, 1843, in which a plea of insanity was advanced, a writer in "The British, Foreign and Medical Review," July, 1843, page 273, thus wrote:

"Before a plea of insanity should be allowed undoubted evidence ought to be adduced that the accused was of diseased mind, and that at the time he committed the act he was not conscious of right or wrong. Every person was supposed to know what the law was, and therefore nothing could justify a wrong act, except it was clearly proved that 'the party did not know right from wrong.' If that was not satisfactorily proved, the accused was liable to punishment. If the delusions under which the person labored were only partial, the party accused was equally liable with a person of sane mind."

I shall also refer to Roscoe's Digest of the Law of Evidence in Criminal Cases, 9th Edition, page 75:

"This authority, dealing with the question of the defence of insanity, states that the principle appears to be well laid down by the following writers: Alison's Principles of Criminal Law in Scotland, pages 645 and 654, set forth, 'That, to amount to a complete bar to punishment, either at the time of committing the offence, or at the trial, the insanity must have been of such a kind as to entirely deprive the prisoner of the use of reason as applied to the act, and of the knowledge that he was doing wrong in committing it. If though somewhat deranged he is yet able to distinquish right from wrong in his own case, and to know that he was doing wrong in the act which he committed, he is liable to the full punishment of his criminal acts?"

Was Riel cognisant of the fact or was he insane, when he said to Dr. Willoughby: "The time has come when I must rule this country or perish?" Dr. Mayo, in his work on "Medical Testimony and Evidence in the Case of Lunacy," 1854, page 9, says:

"It is certainly a great evil that under the present mode of laying this question before a jury the law operates unequally: One case becomes the subject of prominent public interest, and every exertion is made to construe the most trivial eccentricities of character into proofs of insanity."

I also quote from:

"Allison's Principles of the Criminal Law of Scotland, pages 655-656, referring to the case of Regina vs. Henderson, lays it down that the plea of insanity must be received with much more diffidence in cases proceeding from a desire of gain, as theft, swindling or forgery, which generally requires some art and skill for their completion, and argue a sense of the advantage of acquiring other persons' property. On a charge of horse-stealing it was alleged that the prisoner was insane; but it appears that he had stolen the horse in the night, conducted himself prudently in the adventure, and ridden straight by an unfrequented road to a distance, sold it and taken a bill for the price. The defence was overruled.

"In consequence of the acquittal on the ground of insanity of Daniel McNaughten for shooting Mr. Drummond, in 1843, the House of Lords asked the opinion of a bench of judges upon certain questions relating to insanity:

"Justice Maule held—That there is no law that I am aware of that makes persons in the state described not responsible for their criminal acts. To render persons irresponsible for crime on account of unsoundness of mind, the unsoundness should, according to the law as it has long been understood and held, be such as to render him incapable of knowing right from wrong.

"Chief Justice Tyndall—'Assuming that Your Lordships' enquiries are confined to those persons who labor under such partial delusions only, and are not in any other respect insane, we are of opinion that, notwithstanding the party accused did the act complained of with a view and under the influence of insane delusions redressing or revenging some supposed grievance or injury, or of producing some public benefit, he is nevertheless punishable according to the nature of the crime committed if he knew at the time of committing such crime that he was acting contrary to law, by which expression we understand Your Lordships to mean the law of the land.'"

I ask then, whether, under any of these precedents, the plea of insanity could be established in Riel's case? Riel knew that efforts would be made to construe everything he did, and his peculiarities and eccentricities, into insanity; he was erratic, but only when it answered better than cunning diplomacy. I will now trouble the House with a few statements of cases where the plea of insanity failed:

"R. *vs.* Arnold—Collinson on Lunacy—475—16 How., State Trials—764 to 765;

"The prisoner was indicted for shooting at Lord Onslow. A defence of insanity was set up. It appeared from the evidence that the prisoner was to a certain extent deranged, and had misconceived the conduct of Lord Onslow; but he had formed a regular desire to shoot him and prepared the means of effecting it.

"Judge Tracy ruled that defence of insanity must be clearly made out. That it is not every idle or frantic humor of a man, or something unaccountable in his actions, which will show him to be such a madman as to exempt him from punishment; but that where a man is totally deprived of understanding and memory and does not know what he is doing any more than an infant, brute or a wild beast, he will probably be exempted from punishment.

"R. *vs.* Earl Ferrers—19 Howard, State Trial, 866:

"Lord Ferrers was tried before the House of Lords for the murder of his steward. It was proved that he was occasionally insane, and fancied his steward to be in the interest of certain supposed enemies. The steward being in the parlor with him, he ordered him to go down on his knees, and shot him with a pistol, and then directed his servants to put him to bed. He afterwards sent for the surgeon and declared that he was not sorry, and it was a premeditated act, and he would have dragged the steward out of bed had he not confessed himself a villain. Many witnesses stated that they considered him insane, and it appeared that several of his relations had been confined as lunatics. It was contended for the prosecution that the complete possession of reason was not necessary in order to render a man liable for his acts. The peers unanimously found His Lordship 'Guilty.' It was sufficient if he could discriminate between good and evil."

"R. *vs.* Bowler, referred to in Collinson on Lunacy, page 613:

"The prisoner was indicted for shooting at and wounding. The defence was insanity, arising from epilepsy. He had been attacked by a fit; was brought home apparently lifeless. A great alteration had been produced in his conduct, and it was necessary to watch him lest he should destroy himself. Mr. Warburton, keeper of a lunatic asylum, said that in insanity caused by epilepsy the patient often imbibed violent antipathies against his dearest friends, for causes wholly imaginary, which no persuasion could remove, though rational on other topics. He had no doubt of the insanity of prisoner. A Commission of Lunacy was produced, dated 17th June, 1812, with the finding that the prisoner had been insane since the 13th March, nearly three months. Judge Le Blanc said it was for the jury to determine whether the prisoner had committed an offence with which he stood charged was capable of distinguishing between right and wrong, or under the influence of any illusion, with respect to prosecutor which rendered his mind at the moment insensible to the nature of the act which he was about to commit, since in that case he would not be legally responsible for his conduct. On the other hand, provided that they should be of opinion that when he committed the offence he was capable of distinguishing right from wrong, and not under the influence of such an illusion as disabled him from discovering he was doing a wrong act, he would be answerable to the justice of the country and guilty in the eye of the law. The jury, after considerable deliberation, found the prisoner 'guilty.'"

In King *vs.* Parker, in Collinson on Lunacy, page 477, bears out the same rule. A prisoner was indicted for adhering to the king's enemies. His defence was insanity. He was counted, from a child, a person of weak intellect, so that it surprised many that he had been accepted as a soldier. Considerable deliberation and reason, however, were displayed by him in entering the French service, and he stated to a comrad that it was much more agreeable to be at liberty and have plenty of money, than to remain confined in a dungeon. The Attorney-General said that before the evidence could have any weight in rebutting the charge so clearly made out, the jury must be satisfied that the time the offence was committed the prisoner did not really know right from wrong. He was convicted. Sir James Stephen, dealing with the subject of insanity, page 177, Vol. 2, "Criminal Law in England," says:

"It is to be recollected, in connection with this subject, that though madness is a disease, it is one which, to a great extent, and in many cases, is the sufferer's own fault. In reading medical works the connection between insanity and every sort of repulsive crime, that it seems more natural to ask whether, in many cases, insanity is not rather crime in itself than an excuse for the crimes which it causes. A man cannot help an accidental blow on the head; but he can avoid habitual indulgence in disgusting vices—and these are a commoner cause of madness than accidents. He cannot avoid the misfortune of being descended from insane or diseased parents; but even if he has that misfortune, he ought to be aware of it and to take proper precaution against the effects which it may be expected to produce. We do not recognize the grossest ignorance, the most wretched education, the most constant involuntarily association with criminals as an excuse for crime; though in many cases—I think, not a smaller proportion of cases than is commonly supposed—they explain the effect that crimes are committed. This should lead to strictness in admitting insanity as being in doubtful cases any excuse at all for crime, or any reason for mitigating the punishment due to it."

Without quoting further authorities, I hold we have proof of Riel's sanity on the following grounds: 1st, Riel deliberately