opinion Riel should not be hanged, as they think that, while he is not absolutely insane in the ordinary accepted meaning of the word, he is a very decided 'crank.' The other three jurors I have not been able to see, but this is their view also. Most of the witnesses for the Crown admitted on cross-examination that Riel, in their estimation, was 'not all there'; and this, with the testimony of the experts and that of Rev. Father André, of Prince Albert, who fought with might and main against Riel during the agitation which culminated in the rebellion, produced a profound impression upon the minds of the jury. Lastly, the jury saw and heard the prisoner in the box."

That was the only information which, at the time I spoke, I had as to the meaning of the recommendation. A gentleman residing in the North-West, with whom I had no acquaintance, wrote to me, stating that he had seen the statement made that it was not known what the meaning of the recommendation was, and he enclosed to me a letter addressed to himself from one of the jury, which I think it necessary to give to the House as the only information I have had since on the subject, given to me without any solicitation on my part, and simply coming in the way I have stated. That letter is as follows:—

"MY DEAR SIR,—In answer to your enquiries regarding our verdict, &c., in the Riel trial, I would say that as a friend I have no objections whatever to giving you our reasons for recommending the prisoner to the mercy of the Crown, but I would ask you as a favor not to make public my name or residence.

"The judge, in his charge, told us distinctly that we must take into consideration these two points, the prisoner's implication in the rebellion and the state of his mind at the time. He said: 'If you are perfectly satisfied in your own mind that the prisoner was implicated in the rebellion, directly or indirectly, and at the same time able to distinguish between right and wrong, you must bring him in guilty; if, on the other hand, you find him implicated in the rebellion, but of unsound mind, you must bring him in not guilty, and state, on account of his insanity.' This was the purport of the charge, although by no means the whole of it.

"After we had retired to consider the verdict, our foreman asked each and every one of us the following questions:—'Is the prisoner guilty or not guilty? and, is he sane or insane' We each answered in our turn. Guilty and perfectly sane."

"In recommending him to the mercy of the court, we did so because we considered that while the prisoner was guilty and we could not by any means justify him in his acts of rebellion, at the same time we felt that had the Government done their duty and redressed the grievances of the half-breeds of the Saskatchewan, as they had been requested time and again to do, there never would have been a second Riel rebellion, and consequently no prisoner to try and condemn. We could not but condemn in the strongest terms possible the extraordinary dilatoriness of Sir John Macdonald, Sir David McPherson and Lieutenant-Governor Dewdney, and I firmly believe that had these three been on trial as accessories, very little mercy, if any, would have been shown them by the jury. * * * *

"Although I say we, in nearly every case in the above, it may possibly be that not everyone held the same views as myself, but I certainly thought at the time that they did so, and am still of the same opinion.

"You are at perfect liberty to make use of this letter in any way you see fit, provided anything therein relating to myself is not made public."

I have given everything which does not relate to himself, and which bears upon this case at all. I thought it my duty to read that letter particularly, because, having in my hand the statement from one of the jury that the jury thought the prisoner sane, I did not think it would be consistent with the frankness I owe to the House to withhold that, inasmuch as they will see it is not a view which I myself share. I repeat that I do not at all contend that a recommendation to mercy is necessarily to be yielded to. I have never said so or thought so. I think that would be a still more unsatisfactory mode of dealing with the case than the French system. But I do argue that the statement given in the author whom I have quoted is a fair statement of the general results and of the degree of attention which is proper to be given to a recommendation to mercy; and, if the hon. member for Ottawa (Mr. Mackintosh), who seems to have had special opportunities of investigating the cases of the exercise of the prerogative of mercy for several years past, opportunities not vouchsafed to other hon. gentlemen, had extended his enquiries and had gone into those cases in which the recommendation to mercy was effectual, instead of confining himself to those in which it was ineffectual, I think he would have given us an array of facts more important and more satisfactory than the representation of only one side which he has given us. The question is in what cases, and in what classes of cases the recommendation has been made, and what degree of weight has been given to it. I turn to the question, so far as it may be specially illustrated by authority, of the exercise of mercy in those cases in which the defence of insanity arises, and upon that subject no less a learned judge than Lord Cranworth was examined by the Capital Punishment Commission, in 1865, and the Attorney General for Ireland put to him this statement:

"I happen to know a recent case where a man was tried, and the defence was insanity—incapacity to judge of his actions. The jury convicted this man, not believing that he was insane The Executive subsequently received information from various doctors which had not been produced, showing that the man really was insane, and in that case the prerogative of mercy was exercised, the man being retained in prison?"

And the answer was:

"That would be the reasonable mode of dealing with him."

So you see that where the question of insanity was raised at the trial, and where the jury decided against it, and where the Executive, upon the evidence given at the trial and before them, did not think they were wrong—and where, of course, the judge was not dissatisfied with the verdict either—yet, where subsequent medical testimony was brought forward, it was acted upon by the Executive, and they commuted upon the score of the subsequent medical testimony, and therefore they received it. Now then, on the Bill to abolish capital punishment in 1869, the Home Secretary, Bruce, said:

"One of the first cases he had to adjudicate upon was that of the convict Bisgrove, the circumstances of the murder being such as in themselves to excite suspicion of insanity. No evidence was adduced before the court as to the previous life of this unhappy man; but after sentence had been passed the conscience of the neighborhood was aroused, and information was given which led to the discovery of what the facts really were, viz., that for three years he had been subject to fits of epilepsy, and while quite peaceable at other times, under the influence of these he was dangerous, so much so that he had been dismissed from one employment. With a knowledge of these facts, it was impossible to allow the sentence of death to be carried out, and the result of two medical examinations since instituted at different places, and conducted by most competent persons, established that the prisoner was actually insane."

So you see subsequent evidence of the facts was received by the Executive and upon that subsequent evidence they started separate medical examinations, conducted at different places, to test the condition. Their report was accepted, and upon it the prisoner's sentence was commuted. Then Mr Gilpin said, in the same debate:

"The Home Secretary himself stated, only a few weeks ago, that at the last spring assizes two persons were sentenced to death who were entirely innocent. Mr. Bruce, Home Secretary said, the one was innocent and the other insane."

So that the innocent person had been sentenced to death, but his sentence had been afterwards commuted on the ground that he was insane. Then Mr. Bruce, in 1870, in the case of Jacob Spinasa, said:

"A murder was committed, for which no motive could be assigned, by a person who was apparently laboring under some temporary and violent hallucination. The judge and jury, however, thought there was not sufficient evidence of this state of mind, and therefore they treated the prisoner as a man who had committed a murder, with a full knowledge of what he was doing. After the trial evidence was given upon oath in Switzerland by a surgeon who had repeatedly attended Spinasa while he was in a militia regiment, and who had seen him in a state of hallucination similar to that described at the trial, and accompanied by acts of violence, of which he was unconscious. Then it was proved that persons in a German hospital in London had seen him under similar circumstances."

Thus the sentence was commuted on the score of these subsequent enquiries, in a case in which proof of hallucination had been given at the trial, after which proof both judge and jury agreed that the prisoner was, within the law, responsible and properly convicted. Then, on the motion by Lord Penzance, the Lord Chancellor, speaking of the character of the enquiries which were made by the Home Secretary, said this: