

he asked \$100,000. We thought that was exorbitant, and the prisoner said : " Wait a little, I will take at once \$35,000 cash."

Q. Is it not true the prisoner told you he himself was the half-breed question ?—

A. He did not say so in express terms, but he conveyed that idea. He said : " If I am satisfied, the Half-breeds will be."

The witness continues : I must explain this. This objection was made to him, that even if the Government granted him the \$35,000, the half-breed question would remain the same ; and he said, in answer to that : " If I am satisfied, the Half-breeds will be."

Q. Is it not a fact he told you he would even accept a less sum than the \$35,000 ? —A. Yes : he said, " Use all the influence you can, you may not get all that, but get all you can, and if you get less, we will see."

This was the cross-examination of a witness called by the prisoner.

To General Middleton, after prisoner's arrest, he speaks of his desire to negotiate for a money consideration.

In my opinion, this shows he was willing and quite capable of parting with this supposed delusion, if he got the \$35,000.

A delusion must be fixed, acted upon, and believed in as real, overcome and dominate in the mind of the insane person. An insanity which can be put on or off at the will of the insane person, according to the medical testimony, is not insanity at all in the sense of mania.

Dr. Roy testified to his having been confined in the Beauport asylum at Quebec, from which he was discharged in January, 1878. His evidence was so unsatisfactory, the answer not readily given, and his account of prisoner's insanity was given with so much hesitation, that I think the jury were justified in not placing any great reliance upon it.

Dr. Clarke, of the Toronto asylum, as an expert, was not sufficiently positive to enable any one to form a definite opinion upon the question of the sanity of the prisoner.

Dr. Wallace, of the Hamilton asylum ; Dr. Jukes, the medical officer, who attended the prisoner from his arrival at Regina ; General Middleton, and Captain Young—these all failed to find insanity in his conduct or conversation. Neither could the Rev. Mr. Pitblado, who had a good opportunity of conversing with him.

In my opinion, the evidence against his insanity very greatly preponderates. Besides, it is not every degree of insanity or mania that will justify his being acquitted on that ground. The rule in that respect is most satisfactorily laid down in the *McNaghten* case 10 Cl. & Fin. 200. Notwithstanding the party accused did the act complained of with a view, under the influence of insane delusion, of redressing some supposed grievances 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.

I think the evidence upon the question of insanity shows that the prisoner did know that he was acting illegally, and that he was responsible for his acts.

In my opinion, a new trial should be refused, and the conviction confirmed.

TAYLOR, J.—This is an appeal brought under the provisions of section 77 of the North-West Territories Act, 1880, Dom. Stat. 43 Vic., c. 25, by Louis Riel, from a judgment rendered against him at Regina, in the North-West Territories.

On the 20th day of July last the appellant was charged before Hugh Richardson, Esq., stipendiary magistrate, and Henry Le Jeune, Esq., a justice of the peace, sitting as a court under the provisions of section 76 of the above mentioned statute, with the crime of treason. After a plea by the appellant to the jurisdiction of the court, and a demurrer to the sufficiency in law of the charge or indictment, had both been overruled, the appellant pleaded not guilty. The trial was then, upon his application, adjourned for some days to procure the attendance of witnesses on his behalf. On the 28th of July