

should not have been limited to an examination of the mental state of Louis Riel only since the sentence was pronounced. The first objection I have to the appointment of these men was, that they were servants of the Government. I feel certain that if these men had been independent of the Government, caring more for their reputation as practitioners than as servants of the Government, the original telegrams which have disappeared would never have disappeared. I also object that some members of that commission at least were incompetent. Dr. Lavell may have had some experience, but there is not a shadow of doubt—it was never pretended that Drs. Jukes and Valade had any. I also complain that this so-called commission—because they are not properly called a commission—were not allowed sufficient time to enable them to pronounce an opinion on the case. The eminent physician, Esquirol, says:

“There are some insane persons so reasonable that it is necessary to live with them and to follow them in every action of their life before pronouncing them mad.”

Dr. Hood says:

“How impossible then is it for casual visitors in passing through the wards of a lunatic asylum, to form a correct judgment of the real mental state of any of the inmates around them.”

Beck, in his *Medical Jurisprudence*, says:

“It is his (physician's) duty, and should be his privilege, to spend several days in the examination of a lunatic before he pronounces a decided opinion. If this be allowed to him, and also if he be enabled to obtain a complete history of the antecedent circumstances, much may be effected towards forming a correct opinion.”

This is also the opinion of Mr. Justice Johnson in the case that I have alluded to, and I believe that no authority can be quoted in support of the contrary view. Take, for instance, the celebrated case of John Trith, decided in 1790. He was charged with attempting an assault on His Majesty the King. His friends pretended that he was insane. He was brought before all the Ministers of State, and was examined and cross-examined by the Attorney-General. There were so many doubts as to his mental state that he was sent to Newgate, and there remained under the immediate surveillance of two eminent medical men—not for two or three days, not for one month or several months, but for two years, and it was only at the end of those two years that those eminent medical men were able to come before a court of justice where the man was tried for high treason, and to swear that, knowing the habits of the man so well as they did from such long observation, they had no doubt he was insane, and the result was he was acquitted of the crime and sent to a place of confinement. That is the way that the laws relating to personal liberty and the pro-