

before him. As some one had remarked without this House: "It was a very summary method, but I suppose it was short and sweet, like an old lady's gallop." Now, Mr. Speaker, with the permission of the House, I shall refer to a portion of the evidence as briefly as possible, seeing that the plea of insanity has been introduced into this discussion and that a great many learned legal minds will, no doubt, be brought to bear upon the subject; and I shall show that Louis Riel throughout was systematic in everything he said, diplomatic in everything he did, and thoroughly alive to the danger which must ensue if he broke the law of the country. To Dr. Willoughby, 18th March, 1885, Riel said:

"The half-breeds had sent a deputation to Montana to bring him to this country.

"Q. What else?—A. That in asking him to come they had told their plans, and that he had replied to them to the effect that their plans were useless.

"Q. Did he say what the plans were?—A. No, I believe not, but that he had plans, and that if they would assist him to carry out those plans he would go with them.

"Q. Did he tell you what those plans were?—A. Yes, he did.

"Q. What next did he say?—A. He said: Now I have my police—referring to the men at the door.

"Q. Those 60 or 70 men?—A. Yes. He pointed to them and he said: You see now I have my police. In one week that little Government police will be wiped out of existence."

Was that the action of insanity? He made his arrangements most systematically and thoroughly, and yet we are told he was insane. Dr. Willoughby continues:

"The rebellion of fifteen years ago will not be a patch upon this one."

Again:

"The time has now come when those plans are mature, my proclamation is at Pembina, and as soon as I strike the first blow in the North-West, that proclamation will go forth, and I will be joined by half-breeds and Indians, and the United States is at my back."

Further, he said:

"Knowing me and my past history, you may know I mean what I say. The time has now come when I am to rule this country or perish in the attempt."

To Thomas McKay (page 18, report of trial), Riel said:

"I have been waiting fifteen long years; we have been imposed upon, and it is time now, after waiting patiently, that their rights should be given, as the poor half-breeds have been imposed upon."

Riel became very excited and got up and said:

"You don't know what we are after—it is blood! blood! We want blood! It is a war of extermination. Every body that is against us is to be driven out of the country. There are two curses in the country, the Government and the Hudson Bay Company."

Would hon. gentlemen opposite desire that we should consider them insane because they assert the Government is a curse to the country? They have asserted that for years, and yet I do not suppose any hon. gentleman opposite considers his leaders insane.

Mr. MILLS. The hon. gentleman quotes it as an evidence of Riel's sanity.

Mr. MACKINTOSH. The hon. gentleman is quite right; I quote it to show that he was in active sympathy with hon. gentlemen opposite, and quite as sane as they are, measured by this standard. Now, as there are two features of this question which have been particularly referred to in the Province of Quebec, and which will be discussed throughout the country—the question of sanity, and the question of recommendation to mercy—I desire to refer to those questions. In the first place, it is said that Louis Riel was insane. I have studiously examined many works on medical jurisprudence, and made adigest of some few cases which I will lay before the House. Taylor, in his "Medical Jurisprudence," at page 653, says:

"If a person when left to himself has managed his affairs with reasonable care and propriety and has acted independently of others, there can be no stronger proof of his legal competency."

Again, page 654:

"In idiocy there is no capacity for writing—in dementia, as there is no memory, it often happens that the same word is written over and over again. No person in a state of dementia can write a connected sentence, because, before the last part of the sentence is completed, the first is entirely forgotten. In imbecility, we may meet with every variety of mental defect, but the state of the mind is pretty well shown by the expression of the thoughts in writing."

I ask hon. gentlemen to read Louis Riel's letter in reply to the deputation that waited on him in Montana, requesting him to go to the North-West; I ask them to read his letter to Dr. Fiset when in prison; I ask them to read his diary, and then to say whether they could not convict nine-tenths of the people of Canada of being subject to dementia and imbecility or mental disorder if Louis Riel was insane. Again, on page 664:

"The proved existence of mental diseases does not necessarily exempt a person from criminal responsibility. Many a man whose mind is in an insane state knows perfectly well whether he is doing wrong; and so long as he knows that, he is considered subject to the criminal law. The question of morbid delusion cannot always be allowed to screen a criminal from the consequences of his own acts; while, on the other hand, there are instances in which the plea of insanity may properly be allowed, although no delusion can be proved. Each case must be taken with all its surrounding circumstances, and legal theories of insanity are chiefly valuable, not as rigorous axioms of law, but as cautions to be observed by the jury."

Mr. MILLS. Hear, hear.

Mr. MACKINTOSH. I ask the hon. member for Bothwell (Mr. Mills) to peruse Louis Riel's letter in accepting the invitation of the delegates to come back, for I am sure he would not say "Hear, hear," if he had read it. Riel took twenty-four hours to consider; he said it was the proudest day of his life when asked by the delegates to go back to the North-West. I ask hon. gentlemen to read another document which bears the impress of Louis Riel's sanity, that is the delegates report on returning from Montana. This report of the delegates, I am satisfied, was inspired by Riel at the time. At page 665:

"When the defence of insanity is set up in a charge of murder, in order to warrant the jury in convicting the prisoner, it must be proved affirmatively that 'he was insane in a certain legal sense at the time of perpetrating the act.' If this be left in doubt, and if the crime charged in the indictment be proved, it is their duty to convict him."

I would ask hon. gentlemen, in order to gauge that point, to read the speeches of Louis Riel delivered between July, 1884, and July, 1885, and see how he urged his people to approach the Government as obedient children should approach a kind and indulgent parent, while, at the same time, he was holding intercourse with Poundmaker and other Indians, arranging and intriguing for the very uprising that took place; and yet we are asked to say this is the conduct of an insane man. More than that, I would ask hon. gentlemen to look at the evidence of the Rev. Father André; where he states distinctly the carefully prepared plan which Riel had arranged to get out of the country when he found himself in danger, and how, grasping at the last straw, he said to Father André: "If you cannot get me \$35,000, get me what you can." That also they call the conduct of a mad man. In a case, that of Regina vs. Stokes, 2 H. Car. & Ker., it was ruled:

"That it is necessary to impress upon the mind of a medical witness that it is not medical but legal insanity which has to be proved upon this occasion to the satisfaction of the jury. Monsieur Esquirol, who wrote much upon the medical jurisprudence of insanity, expresses his belief that there are well formed distinctions between the action of an insane and a sane criminal. Amongst those he enumerates: 1st. Want of accomplices in 'homicidal mania.' 2nd. 'The sane criminal has always a motive.' The act of murder is only a means for gratifying 'some other more or less criminal passion,' and is almost always accompanied with some other wrongful act.' The contrary exists in 'homicidal mania.' 3rd. The victims of a criminal are those who oppose his desire or wishes. The victim of the 'monomaniac' are amongst those who are either indifferent to, or are the most dear to, him."

I would ask hon. gentlemen to turn to the evidence, and tell the House whether in the matter of the murder of