

reprieves necessary; and the time consumed by the medical examination made another reprieve necessary; and if we have to arrive at the conclusion, in relation to capital offences in any part of this country, that because an appeal is being prosecuted, a reprieve becomes necessary, or because a medical examination is asked by the counsel for the defence, and a reprieve becomes necessary, therefore, we are not to execute the sentence of the law, then the administration of the law will be in the hands of the criminal and his own counsel; for they have merely to appeal and ask for a medical examination which no Executive would refuse, and there is an end of the capital penalty. If we exercised the right of reprieve on the ground that a grave error had been committed by the officers of the Crown in a prisoner's first trial, it would be unfair, perhaps, to refuse clemency; if the reprieve is made necessary by any act of the Executive itself, or by any mistake of its officers. In these cases it is considered not expedient to exact the extreme penalty, because it is supposed that the great lapse of time has lessened the deterrent effect of the punishment, and has weakened the effect of the sentence on the prisoner himself. But in this case no such result followed, and I think it is entirely in a different category as regards cases of reprieves. It has been said outside of the House, and repeated in this House, that the Executive, although they had a right to do what they did, although it was just and necessary to do what they did, acted under the dictation of a certain body of gentlemen holding peculiar views in this country. All I have to say, as a member of the Executive, is that if dictation was exercised in regard to that question it was never attempted upon me. It is true that some lodges and some individuals within that organization did express an opinion as to how our duty should be discharged. We cannot prevent any persons from holding and expressing freely opinions on questions of great public interest. In this country it is recognized that a larger latitude is allowed both to the press and to individuals than is allowed in England; and although it may be a misfortune that the fate of a man condemned, and appealing to the Executive, should be made a matter of public discussion, we can no more prevent such expressions of opinion by that organization than we can prevent the *Globe*, the *Winnipeg Free Press*, or any paper which represented their side of the question, from expressing their views in the same way. All I can say is, if that dictation existed and was attempted, it had not a feather's weight in the scale in determining what should be done in this case by the Executive. If any body of people in this country choose to demand that the Executive shall exercise justice, that is no reason why we should refuse to exercise justice. We were bound to do justice, no matter what the opinion or the clamours of any section of the country may be; and if the case was so clear that Orange lodges and the *Toronto Globe* and other papers clamoured for the execution of the law, unwise and to be deprecated as that may have been, it was no reason why we should not do our duty or arrive at our decision with that sense of responsibility which was required. With regard to what might have been done in this case, I would like to invite the reflection of the House for a moment as to what must have followed if Executive clemency had been exercised. One section of hon. gentlemen opposite say this man ought to have been condemned to imprisonment as a criminal, a great criminal, although not so great as to be outside the Executive clemency; another class on that side say no, he was totally mad, and he simply should have been put into an asylum. Had either course been taken, how long would his confinement have lasted? If the Executive ought to have acted on the broad principle that this was only a political offence, and that therefore the Executive clemency should have been extended to it, it would have been inconsistent with that view that Riel should have been long detained in prison. If he were confined in a lunatic asylum, how long, I ask, with the power the evidence showed he had during the outbreak of controlling his own conduct and of getting possession of his senses when he wanted them—with the power of controlling his action and recovering his balance when he wanted it—how long would it have been deemed just by the humane sentiment of the country to keep him in confinement? He would have been set at liberty, under the report that he was cured and no longer mad, and he could have established a cure whenever he chose; and what then would have been the security for life and property in the North-West? I think that Louis Riel's next exclamation would have been, not that the rebellion of 1869-70 was not a patch upon that of 1885, but that both together would not be a patch on the rebellion he would raise the next time. I think that to have exercised the Executive clemency in a case like that, would have been in the words I have quoted from Mr. Justice Stephen, "not benevolence, but cowardice." But let me ask attention to another point connected with this branch of the subject. Let me call attention to the fact that the Indians, who this man incited to rise, perpetrated some very cruel murders at Frog Lake, which called, in every sense of the word, loudly for the execution of the supreme penalty of the law against the Indians concerned in that massacre, not only because they committed great crimes, but on other grounds on which it is deemed proper to inflict capital punishment, namely, that it is absolutely necessary, by making a great example through the infliction of such punishment, to deter people disposed to crime from committing it. How could the perpetrators of the Frog Lake massacre have been punished, if the man who incited them to rebel—and the massacre was to them the natural result of rebellion—had escaped? How could the punishment of the law have been meted out to them, or any deterrent effect have been achieved; if "the arch-conspirator," the "arch-traitor" if the "trickster," as he has been called by men who did him their best service, was allowed to go free or kept in a lunatic asylum until he chose to get rid of his temporary delusions? It was absolutely necessary, as I have said, to show to those people, to those Indians, and to every section of the country, and to every class of the population there, that the power of the Government in the North-West was strong, not only to protect but to punish. In the administration of justice with regard to those territories in particular, it was absolutely necessary that the deterrent effect of capital punishment should be called into play. Remote as that territory is, strong as the necessity is for vigorous government there and for the enforcement of every branch of the law, I am not disposed to be