

them to recommend him to mercy and save him from the gallows. What has been the position of Judge Richardson? We know the feeling of the jury, that it was a feeling of mercy. Did the judge refuse to agree with the jury? I have already mentioned that the Government did not even trouble themselves by asking his opinion. The Statute says he shall forward the evidence with a report thereon. There is no such report. The practice of the Home Office of England is that the judge shall be consulted upon the evidence. He should have been consulted in this case as to whether he agreed with the position of the jury in their recommendation to mercy. He was not consulted, and it cannot be said to-day that the judge was against the opinion of the jury. I will not say anything as to the Privy Council because they were not called on to examine this question—was the Court of Appeals in Manitoba called upon to give a decision as to the propriety of exercising mercy? That court was called on to express an opinion as to whether a correct verdict had been found; but certainly they never expressed any opinion that there was not sufficient ground for the Government to exercise the prerogative of clemency. I hope the House will pardon me if I offer one or two more remarks upon this plea of insanity, which I believe is the great question in the case, in fact it is the only point at issue, so far as I am concerned. Was Riel really insane? As I have said, I do not intend to trouble the House by reading extracts from the evidence; but I find in that evidence an important fact, which is most important in helping us to decide the case. I find the fact established beyond doubt that Riel was confined in a lunatic asylum in the Province of Quebec by order of the Quebec Government. That he was insane at one time, there is no doubt; he was suffering from monomania on religion and politics. This fact is established beyond a shadow of doubt. He was in the Beauport Lunatic Asylum for nearly nineteen months, and was there when no reason existed for simulating insanity. What could he expect to gain by making such a pretension? He could have lived in liberty if he were sane. I am going to read from medical as well as legal authorities bearing on this case. Dr. Winslow says:

"In cases of murder, when insanity is urged as an extenuating plea, it is necessary to enquire whether the person has on any previous period of his life manifested any signs of mental derangement. If such be the fact, it ought to constitute a *prima facie* case in his favor."

Taylor on Evidence, vol. 1, p. 204, says:

"If any derangement or imbecility is proved or admitted at any particular period, it is presumed to continue, till disproved."

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