

Mr. CHAPLEAU. It was not my statement. The hon gentleman who corrects the *Hansard* here should allow other people to correct reports in other papers.

Mr. BLAKE. I do allow it to be corrected. So this is the account of the trial of Jackson, who, I admit, was an Englishman, contrary to the incorrect report of the gentleman's speech, which some wicked adversary, with intent to get him into a corner and injure him politically, has foisted into that well known hostile paper to him, the *Minerve*. I leave the responsibility to him and the hon. member for Ottawa (Mr. Tassé) of settling with the reporter, and I hope the hon. gentleman will not blame me if I have chosen the report from that paper which has given ostensibly, in the first person, a verbatim report of his speech.

Mr. CHAPLEAU. I blame the hon. gentleman for not accepting the statement of one of his colleagues in the House.

Mr. BLAKE. I said I hoped he would not blame me for having taken the report. With reference to Jackson, we know well the circumstances in his case. We know that he had joined Riel at an early period, and that he is said to have become a lunatic and was acquitted on the ground of insanity. The other person was one Scott, of whom we have not equal particulars, but of whom the Minister of Justice reports to us the result of the trial, saying he was found "not guilty;" and I think having read that in the instructions to the law officers and hearing the Government declare that the persons principally guilty were the whites of Prince Albert, it would be important to us in measuring out the degree of lenity or severity that was due to Riel, to have heard something more of the result of this search by the Government against their white enemies. I pass, although there are other points to which I might refer, to the issue which I have said was for the jury to decide on that occasion, and that issue was, not whether Riel was insane in the sense in which, in common parlance, we use that word, but whether he was insane in the sense of the word which is used in order that it may create irresponsibility for crimes. By our law, whether that law be right or wrong, he might be insane in the sense in which we ordinarily use the word, and yet criminally responsible; and the question for the jury was, in fact, whether he was so insane as, within the meaning of the law, to be responsible for his acts. This is a difficult question, as are all questions of insanity, and it may be divided into two headings: First, what was the effect if his conduct were genuine? And next, was it genuine or feigned? Now, I want to fasten, if I can, upon your mind the question for the jury. I want you to remember that the question for the jury was whether he was insane within the meaning which the law attaches to that term, so as to induce the consequence of irresponsibility for crime, because it must be always remembered, as the vital question, as the vital point, that, without disturbing in the slightest degree the finding of the jury, there may remain, and generally will remain, under circumstances like these, important considerations as affecting the moral guilt, and therefore, as affecting the degree of punishment to be awarded to the prisoner. The verdict then of guilty would be right, first of all, no matter how great were the faults of the Government, no matter how clearly political was the offence, no matter how great the grievances, no matter how long-enduring and suffering the people might have been, the verdict of guilty would be right, no matter how these things might have been, and also the verdict of guilty would be right no matter how clearly Riel's intellect were disordered, if it were not disordered up to a certain point; and these two things, the question of the political character of the offence and the resultant considerations, and the question of the disorder of intellect, would fall to be considered, consistently with

not disturbing in the least the verdict of guilty by the jury, in the award of punishment. Now I shall make good after a little while by authorities those two propositions; but before touching the facts as to the mental condition of this individual, it may be as well to look for a moment at the general knowledge on the subject and the principles of enquiry. There is an old controversy between the lawyers and the doctors upon this head; the doctors widening the degree of irresponsibility due to disordered intellect, and the lawyers narrowing it. Both extremes were, I humbly venture to think, perhaps wrong, and I believe that these extremes are somewhat meeting now. I believe that many eminent men in the medical profession in these modern days have come round to the view that there may consist with a decidedly disordered intellect a measurable responsibility for crime, and that on the other hand the lawyers have come round largely to the view that the old and, what I may call in the main, the barbarous dispositions of the law, ought no longer to be considered as governing the case of insanity. But we have not to do, in the disposing of this matter, with the law as we would like it to be, or as we think it ought to be, or as we may hope it is going to be. It would be unjust entirely to try the Administration, or the judge, or to consider of the case on any such footing. We have to ascertain, if we can, what the law is, as applicable to the case and then see how the facts fit into it. Upon this question of insanity, so much has been said abroad and within this House utterly inconsistent, as I understand them, with the settled facts, that I desire, besides alluding to authorities which were quoted on the trial, and to the authorities which my hon. friend who spoke on that subject quoted, to refer to a very few passages from books. I have heard two hon. gentlemen speak of homicidal mania, as if we had anything very specially to do with that here, and point to the fact that the homicidal maniac acts without accomplices, and that, because Riel had accomplices, therefore he could not be a homicidal maniac. I have heard an hon. gentleman this afternoon illustrating this subject by reference to the description of idiocy, by reference to the description of imbecility, by reference to the description of dementia. Now, however much those descriptions may apply to very many respectable persons who entertain, and even to some who express, opinions on this subject, they certainly have nothing to do with the peculiar kind of insanity with which we are dealing. Now, Sir, the eminent French writer Georget, who is quoted by Browne, says:

"In conversing with patients on subjects foreign to their morbid delusions, you will generally find no difference between them and other people. They not only deal in commonplace notions, but are capable of appreciating new facts and trains of reasoning. Still more, they retain their sense of good and evil, right and wrong, and of social usages to such a degree that whenever they forget their moral sufferings and delusions, they conduct themselves in their meetings as they otherwise would have done, enquiring, with interest, for one another's health, and maintaining the ordinary observances of society."

"Those who conduct themselves so well in the asylum, in the midst of strangers with whom they have no relations, and against whom they have conceived no prejudice or cause of complaint, and in quiet submission to the rules of the house, are no sooner at liberty in the bosom of their families, than their conduct becomes unsupportable; they are irritated by the slightest contradiction, abusing and threatening those who address the slightest observation to them, and working themselves up to the most intolerable excesses."

Clouston, who had charge of the Morningside Asylum, a very well known institution at Edinburgh, in his lectures on this matter, says:

"But to return to D.M., who may be taken as a typical case of monomania of grandeur, his mind is not only affected with the delusion that he is king, but it is affected by an unreal tendency to elevation in all directions, and it is now somewhat enfeebled, as is commonly the case after many years in such cases. He often writes me long rambling letters proposing various impractical modes of managing the asylum, and he is the greatest fault finder in it. Then affectively, he is different from a sane man, showing small love for his wife and children, and he takes morbid dislikes to people without real cause. He is of course very inconsistent to work as a blacksmith, he being a king; but the conduct of by far the majority of the insane is quite