

Mr. MACKINTOSH. I am much pleased to know that so many hon. gentlemen opposite have obeyed for once the instincts of patriotism; I am very glad to hear them at last standing by their leader who will no doubt vindicate his professions by his actions. Although the hon. gentleman and his supporters say "hear, hear," to that principle, the hon. member for Huron, (Mr. Cameron) a few nights ago was doing everything he possibly could, amidst the plaudits of his party, to stir the bitterest kind of provincialism and animosity. He was warning his people against Orangemen; he had the raw-head-and-bloody-bones in the shape of the hon. member for West Durham's Orange speech to fall back upon and thus appealed: I ask you French Canadians and Catholics in this House and country, to support our party because the Government executed Louis Riel. He did all this, yet the hon. gentleman to-day, sitting calmly in his seat, asks the party to re-echo his stentorian "hear, hear," when I repeated his patriotic speech, the speech of one who has national feeling, but who has no policy, no determination, and has not the courage of his convictions or opinions. Sir, there is more than that to be said. We heard the hon. gentleman complain that he wanted more documents in this case, and yet a few nights before the hon. gentleman from West Huron delivered a firebrand speech in this House, denouncing the Government, saying the Government was clearly proved guilty, although they had not then the documents which they now ask for; and we heard the hon. leader of the Opposition applauding and congratulating him on his unpatriotic effort. He was able to make up his mind in the case, and found the Government guilty; but to-day his party want more documents to enable them to arrive at a just and unprejudiced verdict. Mr. Speaker, the hon. member for West Durham wants returns, the hon. member for East Quebec wants returns; other hon. gentlemen want returns. Sir, hon. gentlemen opposite will get returns; they will get returns at the next general election, come it soon or late; they will get returns from the constituencies, returns from the counties, the same kind of returns they have received for the last two years, in nearly every by-election that has taken place—the same kind of returns that Antigonish sent them a few weeks ago; the same kind of returns that St. John sent them a few weeks ago; the same kind of returns that intelligent electors send from every constituency when they are called upon to decide whether demagogues or statesmen shall be entrusted with the management of national affairs. And when they appeal to the country they will find that they cannot cajole and deceive the people into supporting them. Sir, so far as the people can judge of their record for the last thirty years, and particularly of their course in this House to-day, the verdict will be that, neither in power nor out of power, have they fulfilled a single pledge that they ever made when in opposition or at any other time; and I challenge any hon. gentleman to prove a single case where they made a pledge to the people in opposition upon any great political issue that they fulfilled when they reached the Treasury benches. It is said this Government has persecuted Riel, that they have hounded him to death, that they handed him over to the Orangemen, that the Government wanted to discover some method of getting rid of him, and the only way was to pack the jury and get a verdict against him. Looking over the case, as I did before I made up my mind to say anything about it, I turned to the report of Chief Justice Wood as well as to the indictment against Louis Riel on 10th February, 1875. The indictment states:

"The Queen vs. Louis Riel. February 10, 1870. Judgment of outlawry on an indictment for the murder of Thomas Scott at Fort Garry, on the 4th March, 1870, was this day pronounced in open court at Winnipeg, against Louis Riel, and a record of the proceedings to judgment of outlawry."

Chief Justice Wood pronounced the sentence of outlawry on the same date. This judgment amounts to conviction of the crime, and therefore Riel was found guilty according to the law of the land as much as though he had been tried and found guilty of the murder by a jury. I turn now to the proclamation issued by the advice of the Government of the hon. member for East York (Mr. Mackenzie), dated 23rd April, 1875. It provides:

"And we do hereby further ordain, direct, declare and proclaim: That each of them, the said Louis Riel and Ambroise Lepine are and shall be acquitted, pardoned, released and discharged. And that all proceedings in respect thereof shall cease and determine upon this expressed condition that each of them the said Louis Riel and Ambroise Lepine shall absent and keep himself absent from the Dominion of Canada for the period of five years from the date of this Royal proclamation (23rd April, 1875) and abstain from the exercise and enjoyment of his political rights therein for and during the said term; and provided that upon breach of this condition by the said Louis Riel or Ambroise Lepine this our Royal proclamation and remission shall as to the said Louis Riel or Ambroise Lepine so committing breach thereof be utterly null and void."

If Louis Riel accepted these terms he thereby entered into a virtual contract with the Crown to absent himself from the country, according to the terms of the proclamation and the action of this House, for five years. What was the fact? Turning to the evidence given by Dr. F. Roy at Regina, I find the following:—

"Q. Had you any connection with the asylum at Beauport, in 1875 and 1876?—A. Yes.

"Q. You were at that time superintendent of the asylum?—A. Yes.

"Q. In those years or about that time, did you have occasion to see the prisoner?—A. Certainly, many times.

"Q. Where did you see him?—A. In the asylum.

"Q. Can you tell the date?—A. Yes, the date was taken from the register when I left Quebec.

"Q. What date is that?—A. I took the entry from the register in the hospital in the beginning of this month.

"Q. Was he admitted with all the formalities required by law?—A. Yes.

"Q. Will you tell me what time he left the asylum?—A. He was discharged about the 21st January, after a residence in the house of about nineteen months."

Although Riel was required by Royal proclamation to remain absent from the country for five years, he returned within the specified period. Turning to Addison on "Law of Contracts," 8th edition, page 149, I find that the breach of a contract entered into when sane, dealt with:—

"Although contracts of lunatics cannot be carried into execution against them, yet, if they were in sound mind when the contract was made, and the imbecility of intellect has subsequently intervened, the rights of the parties will not be altered."

Apart from the plea of insanity which is urged by some hon. members, and the force of which I do not admit, had this Government been desirous of persecuting Riel, they could have shielded themselves, according to my view, which is that of a layman, behind the fact that Riel was subject to arrest and execution without trial under the proclamation, the terms of which he had violated. If Louis Riel did not accept the terms or agree to any contract with the Crown, he was yet more culpable as he was an outlaw under the bill of indictment found against him in 1875. In any sense I can see no legal reason why, when he violated the terms of partial pardon he was not liable to be hanged at any time. I throw out that opinion to show that had the Government been desirous of persecuting and pursuing him like bloodhounds, as has been said, they could have done so in the way I have mentioned, and thus have brought Riel to justice, when at the recent trial evidence was given that he had been a resident in Canada and had never answered to the Crown for the murder of which he had been found guilty. This of itself proves that the action of the Government was promoted by high constitutional motives and not barbarous persecution. I find that another hon. member, whom we all respect for his ability, the hon. member for South Huron (Sir Richard Cartwright), made a speech on 17th December, 1885, in Orillia. The hon. gentleman said, in answer to a question asked by the Rev. J. B. Armstrong: