"In India the practice had been to throw on the judges the onus of what should be done in particular cases. He was aware that in England such a system would not be very palatable to the judges; and he was told that the Irish judges had protested in advance against any system of trial in which the responsibility should be thrown on the judges, and not on the jury. * * * That responsibility should not be thrown on the Home Secretary, who was appointed to discharge other than judicial functions."

And on 29th April, 1870, in a passage, a part of which was cited on Friday, Mr. Bruce, Home Secretary, said:

"For myself, I may say that in no single case have I ever overruled the decision of the judge without the fullest approbation on the part of the judge himself. * * *

"Attempts are often made to induce me to remit the punishment in cases when evidence has been held back in order that it may afterwards be alleged that if the witnesses had been heard the result of the trial would have been very different. I pay no sort of attention to allegations of that description."

But the hon. gentleman who pressed with such vehemence the argument drawn from those statistics, forgot, I think, for the moment, that one reason why the Executive of Great Britain is called upon in so many cases to exercise the power of commutation, is that in that country there is no court of criminal appeal. When, therefore, there has been error committed in the course of a trial, error in point of fact, error in the finding on a point of fact, error in the charge of a judge, errors in the ruling at a trial, which the judge has not chosen to reserve, from a mistaken view of the law, there is no remedy but an appeal to the Home Secretary. If the verdict is against the weight of evidence, there is no appeal except to the Home Secretary. If the evidence can be shown to be erroneous, if new evidence can be discovered, it is the Home Secretary alone who can exercise the power of review. But there is no reason why the argument drawn from those statistics should apply with the entire force which the hon. gentleman gave to them, to the case in question, or to the cases coming up in the North-West Territory; because, as I said before, there is in that country what there is not in the Provinces, or in the older countries even, a court of criminal appeal, to which the prisoner can go to have every question of fact or law reviewed. As to the rule upon which Executive interference can take place in cases of insanity, and the rule in which the guilt of the prisoner is held to be diminished by the existence of delusions, I humbly beg to say that in my opinion the hon. gentleman was unsound in the rule which he laid down. It is quite true that in explaining the rule as laid down in MacNaughton's case, Judge Stephen goes so far as to say that the existence of delusions, even though they be not shown to cause irresponsibility, should be allowed to be given in evidence for the purpose of enabling the jury to find yea or nay upon the question whether responsibility existed or not. That is the utmost length to which he goes in stating the law, but in stating how it would be desirable to amend the law he takes a step further and proposes that the law should be so amended that the jurors should be instructed not only to find the prisoner guilty, if they find him to be responsible as far as sanity is concerned, but that they should then be asked whether the delusions under which he was laboring affected his capability of resistance. The hon. gentleman should not, however, press upon the House that suggestion of Mr. Justice Stephen, because it is a suggestion to amend the law, and until the law is amended an Executive surely cannot be charged with violating any principle in not acting upon it. But so far from laying down the principle that until the law is changed in that respect, that rule should be followed out by the Executive, Judge Stephen lays down a very different proposition, which I shall presently read. Even if that rule were in force, the matter was so put to the jury by the course which the evidence took, inasmuch as it was clearly proved that Riel's criminal acts were not the results of his delusions, but that he had abundant self-control over and above the force of those delusions to enable him to govern his own conduct, to carry out the campaign, to entice others into the rebellion and to guide his conduct in a very different way if he should receive a recompense for doing so. In view of the evidence then submitted, in view of the ground on which the Court of Appeal sustained that verdict, we can come to no other conclusion than if that rule which Justice Stephen thinks should be adopted, but has not yet been adopted, should be applied by the Executive, and it was our duty to enquire whether Riel was under such delusions as weakened his self-control, anyone must come to the conclusion, not only that he was responsible, but that he was capable of so controlling himself as to be beyond the reach of his delusions. If we come to that conclusion, the case of Louis Riel is not at all within the hon. gentleman's rule, the rule which he says ought to be followed by the Executive, but which is not recognised as a rule binding the Executive, and the Executive in the case of Louis Riel gave him the full benefit of all the evidence given in his favor, and were justified in coming to the conclusion not only that he was responsible, but that his delusions did not affect his criminality and that his self-control was not in any material degree affected by his delusions. But the hon. gentleman himself has supplied me with the strongest evidence on that point. Down to that period of the debate it had been urged by hon. members who had spoken on that side of the question that the jury must have come to the conclusion that Riel's self-control was lessened by his delusions or they would not have recommended him to mercy. But it now transpires out of the mouth of the hon. gentleman himself, and by a piece of testimony which he adduced for the purpose of attacking the Government on a very different question, that the jury entertained no doubt whatever on that subject, and that when they went to their room, every man of them voted not only that the prisoner was guilty of the charge in the indictment, but that he was perfectly sane. The hon. gentleman read that letter because at its close it stated that the jury made the recommendation to mercy on account of the mismanagement by the Government of the North-West. Very little weight can be attached to that, as there was not a tittle of evidence produced on that subject at the trial; and when the hon. member for West Durham admits it could not have legally been produced, no one will say on the other side of the House, that although it was not proved at the trial, they could act on public rumour, or a public impression which may have prevailed in that country that grievances existed. The man who wrote that letter was sufficiently intelligent, if we can judge by his