

"In Windsor's case, again, although the enormity of the offence was undoubted, still the sentence having been postponed for six months, in order that important questions of law might be determined, the right hon. gentleman had thought that it would not be right, after that lapse of time, to permit the prisoner to be executed."

I will advert to one other case of which I happened to become personally cognisant when Minister of Justice. In the discharge of my duties I visited the Kingston penitentiary and conversed with the warden in reference to a number of prisoners. Amongst them was one whose sentence had been commuted a great many years ago. I enquired into his case. He was a navy, I think, living a little way out of Hamilton, on the Toronto and Hamilton Railway, perhaps during the time of its construction. He had been convicted of a cruel and brutal murder of his wife with a crowbar. She was found in a terribly mutilated state; he was tried, convicted and sentenced. At the last, the technical legal point was raised that the law required an associate on the bench when the sentence was pronounced, or at some stage of the trial. The associate had as little to do with the case as the magistrate in this case. Yet it was proved that the associate was off the bench. Upon that the man was reprieved until the question should be decided by the judges. The judges decided that the objection was fatal and the trial a mis-trial, and that the man must be tried again. He was tried at the next assizes, and of course convicted again, and upon the score of the time that had passed, though there was not the slightest ground otherwise, his sentence was commuted. Now, the hon. Minister of Militia referred to what he called the evidence with regard to the letter of General Middleton to Riel; yet he did not satisfy me that Riel did not surrender on that letter. The statement of Colonel Boulton was directly to the contrary, and if we remember the whole circumstances of the case—the time General Middleton wrote the letter, and the condition of things stated by the First Minister on one of the discussions last Session as to papers—I do not think that is a fair inference from the evidence. But the hon. Minister said he would prove the purpose for which that letter was given, and he proved it by reading a letter from the Major General, who, he said, had been told by someone that Riel was afraid of being killed in the camp. That was not very good evidence against Riel, as the hon. gentleman knows. The intent with which General Middleton sent the letter is of no consequence. The question is, what does the letter fairly import. The authority of General Middleton is not of any consequence, if that were disputed, though I do not suppose it is. Now, the question, to my mind, on this subject is just this: Is it for the honor and credit of the volunteers of Canada that it should be declared that that paper was sent in order to warrant the prisoner, if he surrendered himself, against lynch law? Is it to the credit and honor of the volunteers to say that it was necessary for a Major General in the British army to give assurance to Riel and his council that they would not be lynched if they surrendered themselves? I should be sorry to come to any such conclusion; and then, the question remains: Was it not reasonable to believe that the result of this statement was, you shall not, in fact, be exposed to the very worst that you can possibly be exposed to if you are caught, that is death. I think the liberal interpretation of that letter, in the sense and spirit in which such letters and assurances have been interpreted in all events of this description, would have led to that conclusion. I turn to the subsequent question, the promise of enquiry and the expectations of commutation. I turn to the very important statement by the hon. member for Hochelaga (Mr. Desjardins) on that subject, and to the language of the ministerial press, and I say that these expectations ought not to have been aroused, that that attitude ought not to have been taken unless they were to be acted upon truly, faithfully and loyally, because if they had not been aroused, other steps might have been

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taken, other evidence might have been brought forward, other facts might have been presented to the Executive, which naturally would not be brought forward if there was an understanding that there was to be an efficient enquiry. For my part, I always believed there would be in this case a commutation, having regard to the circumstances and the testimony as to the prisoner's mind, and, I believed that if there was doubt in the mind of the Government on the question of the mental condition of the prisoner, that doubt would have been attempted to be solved by an efficient and proper medical enquiry; particularly so when we find that Dr. Howard was not called. Now Dr. Howard said in Montreal he could do Riel no good, because, under the law, although he obviously implied he did not agree with the law, he would have been obliged to prove that Riel was responsible. Of course he would. He thought Riel was irresponsible and that the law was wrong. He could not have disturbed the verdict, but his evidence would have been important as to the state of Riel's mind with a view to the awarding of punishment afterwards. So with Archbishop Taché who, we see, in his letter declared that he had formed the conviction that for twenty years, with all his brilliant gifts, this unfortunate man was the victim of megalomania and theomania. So with reference to Bishop Grandin, whose letter the Minister of Militia read, dated June, in which the bishop characterises Riel as a miserable maniac. So with reference to a number of pieces of evidence I have collected and gathered from newspapers which were accessible to Ministers, but which I will not trouble the House with at this hour. So with reference to the diary which contains indubitable traces of a disordered mind. So with reference to the last effusion I have read, the prophecy of Regina, which no man can read without coming to the conclusion that he who wrote it was disordered in his mind. So with reference to the diaries not brought down. I have been told that of the Orders in Council of the provisional government, which are in the custody of this Government, the very first is an order declaring Riel a prophet, something after the fashion of John the Baptist. I have shown you he called himself Elias and Peter, and this order, I believe, represents him as John the Baptist. The next order was one altering the days of the week and so forth. All these things and many statements that were made, some of them at an earlier period, as to circumstances which had occurred, were worthy of attention. So were the letters written with reference to the trial. At the close of the trial, the correspondent of the *Mail* reported that Dr. Clark, after having heard the evidence which was called since Riel's examination, and after having heard the prisoner himself speak, was quite convinced he was insane. I say the case was one in which it was incumbent on the Administration, if they felt a doubt as to the propriety of commutation, to have a thorough medical examination and enquiry. The medical examination they caused was limited in scope. Sir John A. Macdonald's letter expressly points that out. We have not the instructions to these gentlemen, but Sir John's letter to the Minister of Militia pointed out that it was limited to the question whether Riel's condition had become so much worse since his trial that he was no longer capable of knowing right from wrong. It was not therefore such an enquiry as has been frequently made in cases infinitely weaker than this; it was not an enquiry which involved the real question: What was the condition of his mind at the time of the offence, which constituted the crime he committed? What was the condition of his mind before that time? So with reference to the very important point of hereditary insanity. I have read in the *Mail* the statement that his mother went into a state of absolute craziness during the rebellion, and a statement of her falling into the same condition at a subsequent period, when she heard of the conviction—a circumstance, the importance