took one day to consider the request of the delegation; 2nd, Riel was a companion of theirs and held intercourse for many months, betraying no insanity; 3rd, he realised that Jackson, his secretary, was insane and committed him to jail; 4th, he had accomplices in his crimes and systematically and skilfully directed the whole campaign; 5th, he proved his sanity by confiding to Astley that he intended throwing the responsibility of the rising on the council; 6th, he stated distinctly that he would rule or perish; 7th, he admitted to Astley that he had prompted the disaffected to urge him to remain in the country; 8th, the first document addressed by the delegates to those who sent them to invite Riel, bears the impress of Riel's inspirations; 9th, he was capable of managing his affairs when he wrote Dr. Fiset, formerly a member of the House, that the Government was indebted to him in land and money; 10th, he was sane, if ever man was sane, when proposing to sell his poor dupes for money; 11th, he was sane in the opinion of his church dignitaries, otherwise he could not have received the holy sacrament before his execution; 12th, he was sane as evinced by the thoroughly systematised method of all his actions from the day he left Lewis County, Montana, until he wrote a sketch of the troubles in which he was implicated; 13th, he was, up to the hour of leaving Montana, an instructor in a Jesuit college. There is one particular point which has been discussed in this House and throughout the Province of Quebec. Between the time Louis Riel was executed and the present hour, it has been insinuated that the Government, although there was a recommendation to mercy by the jury, cruelly caused the death of Louis Riel for political purposes; that they met the demands of the Orangemen of Ontario and of the Dominion, and it has been also insinuated that on no occasion have men been hanged where the jury had recommended them to mercy. I propose to show otherwise. Before quoting the cases which are local in their character, I will quote from the "Principle of Punishment," by E. W. Cox (Recorder of Portsmouth), 1877, page 188:

"But although a recommendation to mercy of the jury should always be received with respect and gravely considered, it is not always to be accepted in practice. It is a good rule to ask for the ground of the recommendation. In fact, when infrequent, it is nothing more than a ready means of bringing about unanimity. Some of the jurymen have doubts, or more properly, are reluctant to convict, not because they question the guilt of the prisoner, but because some soft place in their hearts makes them unwilling to punish. A recommendation to mercy satisfies a kindly emotion, and others assent; but without any such desire on their part. The question by the judge, 'upon what ground, gentlemen,' perplexes them and some give 'insufficient reason,' as the usual defence. So, likewise it is when the jury recommend to mercy in ignorance of the facts as to antecedents of the convict. I have seen cases in which the prisoner, so recommended, is afterwards shown to have been convicted previously. In all such and similar cases, the judge will not give effect to the desire of the jury."

Taschereau, in "Procedure in Criminal Law," vol. 2, page 377, 1875, referring to the judgment in Regina *vs.* Tribilcock, sets forth:

"What the jury may say in recommending the prisoner to mercy, is not a matter upon which a case should be reserved. When the jury say 'guilty,' there is an end to the matter—that is the verdict—and the recommendation to mercy is no part of the verdict."

Stephen, volume 1, p. 558, Criminal Law in England, contrasting the English and the French system of procedure, remarks:

"The English system is based upon the assumption that judge and jury will each perform their respective parts fairly and in good faith. That the judge will tell the jury what is the law applicable to the whole case, and that the jury will be guided by the judge's directions in finding their general verdict of 'guilty' or 'not guilty.' Both history and contemporary experience show that this system has in fact worked admirably and does so still. Under the French system elaborate and even intricate precautions are devised to keep apart the facts and the law, to leave the law for the court while the facts are for the jury. But in spite of these precautions the jury continually decide in the teeth of the law, and are in practice judges, both of law and of fact. The jury deliberate and then vote upon each question proposed to them. Each juryman has two tickets marked 'yes' and 'no' for each question. The tickets are counted and burned after each vote, and the result 'yes' or 'no' is recorded on the margin of the paper of question. The matter is decided by a bare majority and the jury are expressly forbidden to state the number of the votes."

Yet hon. gentlemen have been perambulating the country, holding up before audiences in the Province of Quebec the terrible scandal of a jury of six at Regina, with a stipendiary magistrate, and a Justice of the Peace assisting, finding a man guilty of murder, while in old France seven out of a jury of twelve can find a man criminally guilty and send him to the gallows. Stephen also says, vol. 1, page 560, "Criminal Law of England:"

"There is one other point in which the English and the French systems are strongly contrasted. This is the French system of 'circonstances attenuantes,' and the English system of 'recommendation to mercy.' The finding of 'circonstances attenuantes' by a French jury, ties the hands of the court, and compels them to pass a lighter sentence than they otherwise would be entitled to pass. It appears to me to be as great a blot upon the French system, as the way in which that system sets the judge in personal conflict with the prisoner. It gives a permanent legal effect to the first impressions of seven out of twelve—altogether irresponsible persons, upon the most delicate of all questions connected with the administration of justice, the amount of punishment which having regard to its moral enormity and also to its political and social danger ought to be awarded to the given offence. To put such a power into the hands of seven jurymen to be exercised by them irrevocably—upon the first impression, is not only to place a most important power in the most improper hands; but also to deprive the public of any opportunity of influencing the decision in which it is deeply interested. Jurymen having given their decision disappear from public notice, their very names being unknown."

Again, p. 461:

"In cases where the judge has a discretion as to the sentence he always makes it lighter when the jury recommend the prisoner to mercy. In capital cases, where he has no discretion, but invariably in practice informs the Home Secretary at once of the recommendation, and it is frequently, perhaps generally, followed by a commutation of the sentence, it seems to me infinitely preferable to the system of 'circonstances attenuantes.' Though the impression of the jury ought always to be respectfully considered, it is often founded upon mistaken grounds, and is sometimes a compromise. It is usual to ask the reason of the recommendation. I have known at least one case in which this was followed, first, by silence, and then by withdrawal of recommendation. I have also known cases in which the judge said, 'gentlemen, you would hardly have recommended this man to mercy if you had known as I do, that he has been repeatedly convicted of similar offences.'"

And yet some honorable members contend that Riel's first offence should have had no weight in determining the action of the Executive. Mr. Speaker, I have quoted distinguished authors, in order to show, by contrast, how unfairly and unjustly those opposed to this Government have acted with reference to the question of recommendation to mercy, and I have taken the trouble to go through the different criminal cases which have been tried in the Dominion since Confederation, and I find case after case where there were recommendations to mercy, where insanity was set up as a defence, and where Ministers of Justice have refused to recommend Executive clemency. In the case of Ethan Allan, who was found guilty of murder and recommended to mercy (the prisoner was convicted of killing C. Driscoll by a blow with a crowbar) the Minister of Justice recommended no interference, and he was hanged on the 4th December, 1867. John H. Munroe was found guilty of murder and recommended to mercy, and was hanged on the 25th of January, 1869. Cyrus Picard was found guilty of murdering Duncan McVannell by shooting, and was recommended to mercy. He was hanged on 23rd November, 1871. John Travis, convicted of murdering John Johnson, was recommended to mercy. Sir Geo. Cartier (for the Minister of Justice) could discover no grounds upon which the jury could base such recommendation. He was therefore hanged on the 13th of February, 1872. James Carruthers was convicted of murdering his wife and recommended to mercy. The judge (Chief Justice Hagarty) reported that "there was no doubt whatever of the fact of the murder. The defence rested on endeavoring to prove that the prisoner was insane. The jury found against that defence and convicted him of murder, and at the same time recommended him to mercy." Sir John Macdonald, the