

"There were cases in his experience where the evidence of insanity was not brought before the judge and the jury. . . . The Secretary of State had power to send medical men of experience and examine into the condition of the prisoner, and when these medical men reported, as they had done occasionally, that they did not regard the prisoner as responsible for his actions, either at the time of the commission of the offence or subsequently, the capital sentence was not carried out."

And Sir R. Assheton Cross, also once a Secretary of State, said on the same occasion, while discussing, in 1881, the Capital Punishment Abolition Bill:

"The right hon. and learned gentleman (Sir Wm. Harcourt), in his (Sir R. Assheton Cross's) opinion, most correctly stated what were the true functions of a Secretary of State in this matter."

Such were the duties of the Government under the Canadian Statute concerning the North-West, or at common law, as dispensators of the prerogative of mercy. Have they complied with these regulations? The first mistake I notice is the misapprehension they have made of their duty. I was surprised yesterday to hear it stated by the hon. Minister of Justice, who is certainly an able lawyer, that in dealing with this case the Government had no power to go beyond the verdict. Then what was the good of that Canadian Statute which says that the execution of a man sentenced to death shall not take place without an order of the Executive? Then, Mr. Speaker, what is the meaning of all the rules laid down by the Home Office, which say that the Crown shall examine into a case like this, regarding the insanity of the prisoner, either at the time of the commission of the offence or subsequently? It is the duty of the Executive to examine every particle of the evidence, to weigh it, and even to afford a chance to bring fresh evidence in order that there may be no miscarriage of justice. I blame the Government for not having complied with these rules. I blame the Government, in the first place, for having no report from the judge. I have read all the proceedings in this case, and have looked in vain for a report of the judge to see whether he was in a position to agree with the jury, in order that mercy might have been exercised by the Government; and I am surprised the Government has ordered the execution of the man without asking whether the judge who presided at the trial agreed with the jury. I blame the Government for having ordered the execution of Louis Riel because fresh evidence was adduced, the evidence of the three medical men, after sentence had been pronounced, and had not been referred to Judge Richardson for his report thereon, contrary to the practice prevailing in the Home Office in England. It was the duty of the Government to ask the opinion of Judge Richardson upon the value