

THE WEEK:

A CANADIAN JOURNAL OF POLITICS, SOCIETY, AND LITERATURE.

Second Year.
Vol. II., No. 38.

Toronto, Thursday, August 20th, 1885.

\$3.00 per Annum.
Single Copies, 10 cents.

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AN INDEPENDENT JOURNAL OF POLITICS, SOCIETY AND LITERATURE
Edited by W. PHILIP ROBINSON.

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C. BLACKETT ROBINSON, Publisher.

TOPICS OF THE WEEK.

THE ostensible grounds for demanding a reversal or commutation of sentence in the case of Riel are three in number:—(1) That the form of trial was illegal and the conviction consequently invalid; (2) that the prisoner is insane; (3) that the civilized world has pronounced against the infliction of punishment, or at all events of capital punishment, for political offences. On the first point we offer no opinion. The nation must be advised by its Government, and must assume that the Government has taken the legal course till the tribunals, on appeal, shall have decided otherwise. Legal ingenuity was sure to be set at work to discover flaws in the proceedings, and the flaws which it flatters itself it has discovered are so dissimilar in their character, and, at the same time, so technical that we are impressed with the apparent absence of any broad and substantial objection. The question of insanity we have already discussed, and that ground is practically abandoned by those who take their stand on the third plea, since it is clear that the commission of a political offence implies a mind capable of understanding a political object and of selecting the means for its attainment. The third plea, it appears to us, is unsupported by fact. The Communists were punished, and many of them with death, in France, while the Anarchists are being punished there still. Intransigent and brethren of the Black Hand have been punished with death in Spain. In Germany political assassins have recently been sent to the scaffold. In England the law of treason remains on the statute book and would undoubtedly be put in execution. The murderers of Cavendish and Burke suffered, though their motive was undoubtedly political; and so did Guiteau, though he also was a political murderer. Russia may perhaps be said to be unqualified to speak as a civilized nation, yet nobody deemed it an act of barbarism to execute the murderers of Alexander II. It is true that Jefferson Davis was pardoned, and we have no desire to detract from the credit so eminently due to the people of the United States for their wise humanity after the close of the Civil War. But it must be remembered that the war, waged, as it was, not merely between two political parties, or between a body of insurgents and a government, but between

two commonwealths, each thoroughly organized and with distinct territories, had assumed an international character and had been carried on with all the rules and courtesies observed by regular belligerents. Jefferson Davis, and all who had borne arms or acted on the Confederate side, were morally covered by the capitulation of Appomattox. Let those who claim impunity for political crime consider to what their principle would lead. It would place social order, and with it the lives and property of citizens, at the mercy, not only of conspirators, but of buccaneers. Any ruffian, by styling himself an Invincible or an Anarchist instead of a burglar and assassin, might acquire the privilege of throwing society into confusion and looting for purposes which he would call military. "Let the murderers set the example," was the apt reply given to one who proposed the abolition of capital punishment. Scott was put to death by Riel for the political offence of adhering to the established Government; those who fell at Duck Lake, and indeed all who were killed by Riel's adherents in the late conflict, were put to death for the political offence of upholding the law against rebellion. That compassion attends to the scaffold the sincere and high-minded enthusiast, however misguided he may have been, who with no selfish aim has taken up arms against what he believed to be misgovernment is true; but perhaps such a man would not be the last to admit that in risking the lives of others, it was right that he should be prepared to lay down his own; that having appealed from the law to the sword he was bound to abide by the appeal, and that society could have no other guarantee against an anarchy worse than misgovernment itself. It has already been pointed out that in the present case there are circumstances of great aggravation, especially the use of Indian allies. We are as far as possible from desiring to minister to any lust of vengeance, which should be banished from the heart of a civilized nation. We only say that in this as in other cases, unless good reasons can be shown to the contrary, public justice ought to take its course, and that in the absence of special ground for interference the Executive has no right to interpose. Those advocates of a remission of Riel's sentence who accuse every writer on the other side of the question of cowardly pandering to political passion, while they are somewhat uncharitable in estimating the motives of their opponents, are perhaps not entirely free from self-delusion in regard to their own. Neither the political passion nor the temptation to pander to it is confined to one side.

To the nature of the mongrel race of Half-breeds Mr. Adam, in his "North-West," traces the germ of the recent troubles: "In cohabiting with the dusky womanhood of the plains, the trader has left us a legacy of mischief." The Half-breeds are divisible into French, Scotch and English. The old North-West Company had in its service a large number of French-Canadians, whose progeny is found everywhere in the woods and on the plains. The Hudson Bay Company's servants were for a long time drawn chiefly from the Orkneys. Many of these men, as well as Lord Selkirk's colonists, left behind them offspring whose mothers were Indian squaws. Of Mr. Astor's fur-trading enterprise, of which Astoria was the centre, the Missouri Company and the Rocky Mountain Company, which flourished later, no account need here be taken, the hunting-grounds of these several organizations having been practically distinct from those north of the parallel of 49°. Separate from any organized company there was a large number of "free-traders," whose careers were more or less isolated, or who moved in small bands, and whose history remains unwritten. We only get glimpses of them here and there; and it is doubtful whether a consistent story of their exploits will ever be woven. What is certain is that of three hundred and fifty of these fugitive free-traders the last two were killed in battle near the foot of the Rocky Mountains in 1810. But a new race of free-traders afterwards came into existence, chiefly on the American side of the line, where some of them made temporary connections with the Missouri Company or the Rocky Mountain Company. These free-traders were of various nationalities, the Irish perhaps being predominant. The sexual connections which they formed in the forests and on the plains were quite irrespective of any legal ties they might have left behind them; an irregularity which found in Harmon, whose practice accorded