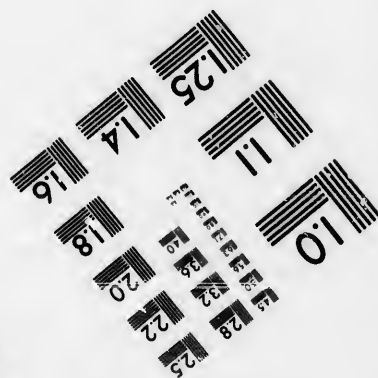
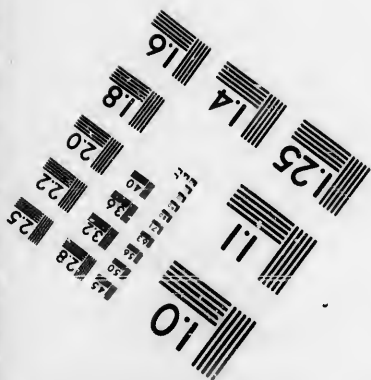
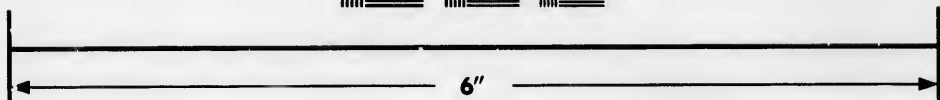
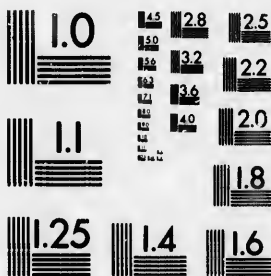


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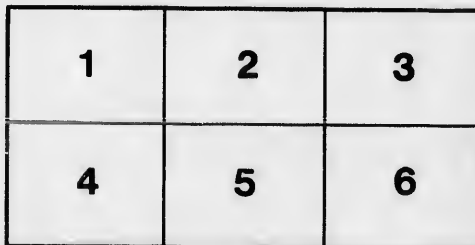
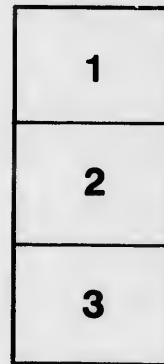
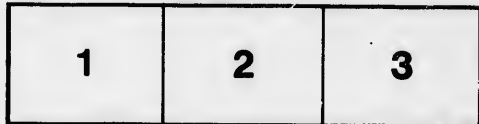
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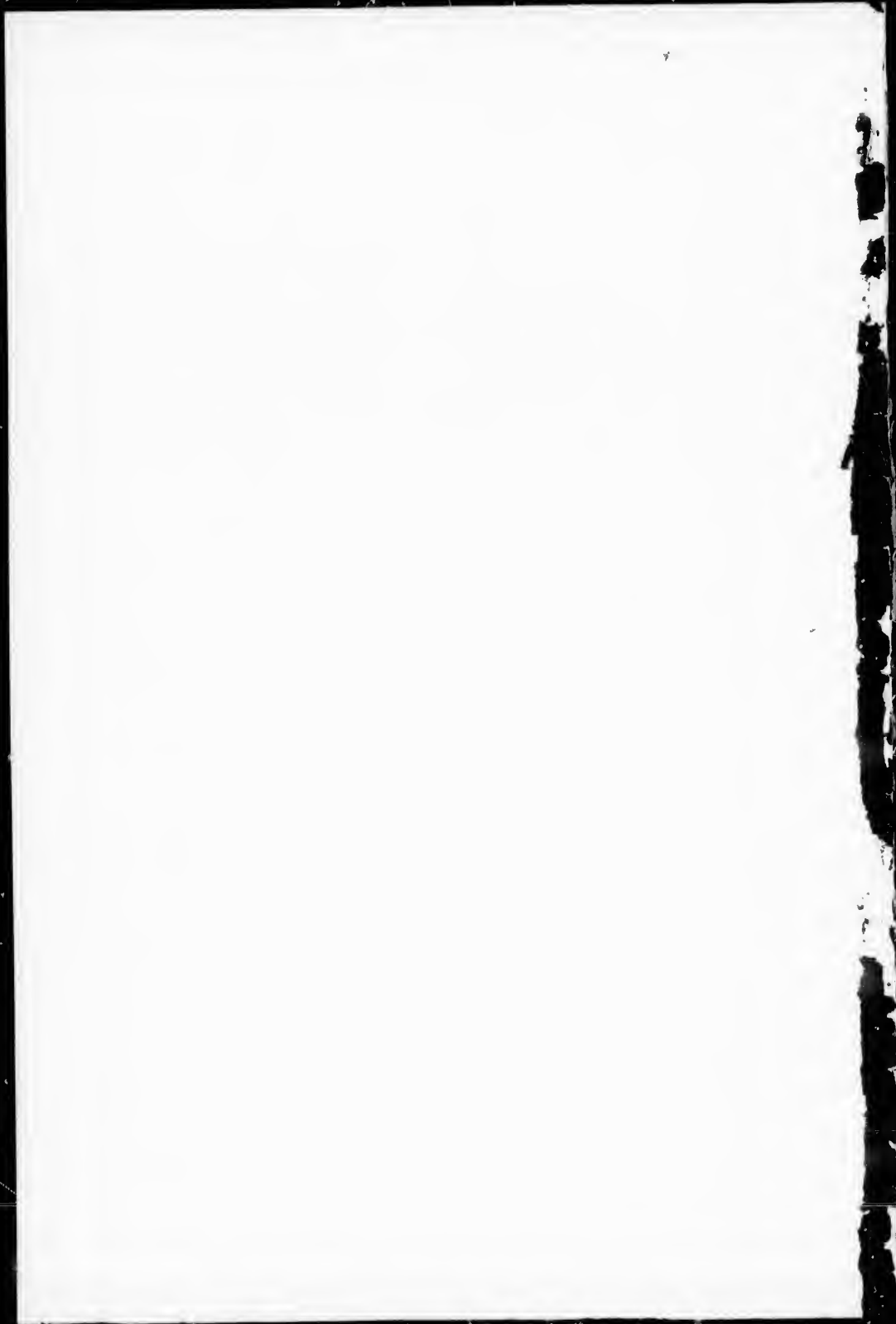
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PAPERS

IN REFERENCE TO

COMMUTATION OF THE SENTENCE OF DEATH

IN THE CASE OF

VALENTINE F. C. SHORTIS

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OTTAWA

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1896

CAPITAL CASE

OF

VALENTINE FRANCIS CUTHBERT SHORTIS

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DEPARTMENT OF JUSTICE, OTTAWA, CANADA, 12th November, 1895

Memorandum for the Under Secretary of State.

The undersigned has the honour to request that the Honourable Mr. Justice Mathieu be asked to report in accordance with section 937 of the Criminal Code, 1892, upon the case of Valentine Francis Cuthbert Shortis, who was tried before him and convicted of murder on the third day of the present month and sentenced to be executed on the third day of January next (1896), and to forward a copy of the evidence taken at such trial.

His Lordship might be asked to conform with this request as soon as possible so as to afford the Executive time to give the matter the careful consideration it deserves.

A. POWER,

Acting Deputy Minister of Justice.

(Translation.)

OTTAWA, 13th November, 1895.

The Honourable

M. MATHIEU,

Judge of the Superior Court,
Montreal.

Sir,—At the request of the Minister of Justice, I have the honour to ask you to be good enough to forward me, in accordance with section 937 of the Criminal Code, 1892, your report and a copy of the evidence in the case of Valentine Francis Cuthbert Shortis found guilty of murder and whom, on the third of this present month, you sentenced to death, such sentence to be executed on the third day of January next.

The Minister of Justice desires that you send this report as soon as possible, in order that he may be in a position to give this case all the attention it deserves.

I have the honour to be, sir,

Yours sincerely,

L. A. CATELLIER.

JUDGE'S CHAMBERS, MONTREAL, 14th November, 1895.

Sir,—I send you to-day by post and enregistered a report of the case of the Queen vs. Valentine Francis Cuthbert Shortis, who has been sentenced to the punishment of death, conformably with article 937 of the Criminal Code. I annex to that report the whole of the record. The record is so voluminous, that it would have been almost impossible to get the evidence copied in time for the signification of the Governor's pleasure, and it would have been very costly. I suppose the record itself will suit, but I would request you to return that record to me as soon as the signification of the Governor's pleasure has been made known, as I have given my receipt for the same to the Clerk of the Crown at Beauharnois. The evidence forming the record, contains all the arguments which may be considered as of some interest. I have also added the address of Mr. Greenshields for the defence, and my charge to the jury, and, as soon as I shall get them, I will send you the addresses of Mr. St. Pierre for the defence, and of Mr. Macmaster and Mr. Laurendeau for the Crown.

I have the honour to be your obedient servant,

M. MATHIEU.

CANADA,
Province of Quebec, }
District of Beauharnois. }

COURT OF QUEEN'S BENCH.
(CROWN SIDE).

THE QUEEN

vs.

VALENTINE FRANCIS CUTHBERT SHORTIS.

Indictment for murder.

I, the undersigned, Michel Mathieu, one of the judges of the Superior Court of the province of Quebec, before whom the prisoner, Valentine Francis Cuthbert Shortis, has been convicted of the murder of John Loye, and by whom the said prisoner, Valentine Francis Cuthbert Shortis, has been sentenced to the punishment of death, do hereby, in conformity with article 937 of the Criminal Code, make a report of the case to the Honourable the Secretary of State, for the information of the Governor General.

On the first day of October last, the grand jurors for the district of Beauharnois returned a true bill against the said prisoner for having murdered John Loye and Maxime Lebœuf, on the first day of March last. The prisoner asked for a separate trial, and he was tried only for the murder of John Loye. The prisoner pleaded not guilty, and his counsel added a plea of insanity. On the third day of November instant, the jurors decided that the prisoner had not proved his plea of insanity, and brought in a verdict of guilty against him; and, on the fourth day of November instant, the prisoner was, by me, sentenced to be hanged on the third day of January next.

Before the trial, a commission was issued under article 683 of the Criminal Code to take evidence in Ireland on the insanity of the prisoner. That evidence was returned in court and submitted to the jury.

I herewith inclose the following documents:—

1. Bill of indictment.
2. Defence filed by counsel.
3. Motion of the Crown to reject portions of the plea filed by counsel.
4. Motion of the defence to open the commission executed in Ireland.
5. Motion of Crown stating objections to portions of evidence taken in Ireland.
6. A book containing the proceedings of the first and second days of the trial.
7. A book containing the proceedings of the third day of the trial.
8. A book containing the French evidence taken on the fourth day of the trial.
9. A book containing the English evidence taken on the fourth day of the trial.
10. A book containing the proceedings of the fifth day of the trial.
11. The commission issued to Judge C. A. Dugas under article 683 of the Criminal Code, to take evidence in Ireland, and proceedings and return on the same.
12. The evidence taken in Ireland and exhibits annexed to the depositions.
13. A book containing evidence taken on the ninth day of the trial.
14. A book containing evidence in French taken on the tenth day of the trial.
15. A book containing evidence in English taken on the tenth day of the trial.
16. A book containing the proceedings of the eleventh day of the trial.
17. A book containing French evidence taken on the twelfth day of the trial.
18. A book containing English evidence taken on the twelfth day of the trial.
19. A book containing the proceedings of the thirteenth day of the trial.
20. A book containing the evidence and proceedings of the fourteenth day of the trial.
21. A book containing the evidence and proceedings of the fifteenth day of the trial.
22. A book containing the evidence and proceedings of the sixteenth day of the trial.

23. A book containing the evidence and proceedings of the seventeenth day of the trial.
24. A book containing the evidence and proceedings of the eighteenth day of the trial.
25. A book containing the evidence and proceedings of the nineteenth day of the trial.
26. Motion of the Crown for the issue of a commission to examine Robert McGuinness who was sick, and the commission and return, and deposition of the said McGuinness.
27. A book containing the evidence and proceedings of the twentieth day of the trial.
28. A book containing the evidence and proceedings of the twenty-first day of the trial.
29. Motion of the Crown for a commission to examine Andrew F Gault, of Montreal, who was sick, and report of the commission and evidence of the said Gault.
30. A book containing French evidence taken on the twenty-second day of the trial.
31. A book containing English evidence taken on the twenty-second day of the trial.
32. Exhibits with a list accompanying the same filed by the Crown.
33. Exhibits with a list accompanying the same filed by the defence.
34. A book containing the arguments of Mr. Macmaster, C. C., for the Crown, on questions of law, before addressing the jury.
35. Address of Mr. Greenshields, Q. C., of counsel for the defence, to the jury.
36. Charge of the judge to the jury.
37. Copy of the sentence.

M. MATHIEU, *J. S. C.*

Montreal, 14th day of November, 1895.

(Translation.)

OTTAWA, 15th November, 1895.

The Honourable
M. MATHIEU,
Judge of the Superior Court,
Montreal.

I have the honour to acknowledge receipt of your letter dated the 14th instant, transmitting me the original documents in the Shortis case tried by you at Beauharnois.

These documents will be sent to-day to the Minister of Justice.

I have the honour to be, sir,

Yours sincerely,

L. A. CATELLIER, *U.S.S.*

MONTREAL, 14th November, 1895.

Honourable
SIR CHARLES HIBBERT TUPPER, K.C.M.G.
Minister of Justice,
Ottawa, Ont.

DEAR SIR,—Herewith I have the honour to transmit to you an affidavit of Dr. Charles K. Clarke of Kingston, to be filed in the record in the case of the Queen *vs.* Shortis.

This is the document I spoke to you about at our interview on Tuesday.

Yours truly,

GEO. G. FOSTER.

I, Charles K. Clarke, of the city of Kingston, in the province of Ontario, physician, do solemnly declare:—

That I am the superintendent of the Rockwood Asylum for the Insane at Kingston and have been for over ten years, and previous to that was connected with the Toronto Asylum for about seven years and was about one and a half years assistant superintendent of the Hamilton Asylum, and altogether I have been for a period of twenty-one and a half years connected in one capacity or another with insane asylums.

That I am a graduate of Toronto University and Professor of Mental Disease in Queen's University, Kingston.

That I visited the prisoner in the jail at Montreal and saw him several times at Beauharnois and was present at the trial in Beauharnois and heard the evidence adduced by the Crown in opening and the evidence adduced on behalf of the defence.

That from my examination of him I discovered marked delusions of persecution and the result of my examination was convincing proof to me that he is what is called a moral imbecile.

That, from the evidence adduced and taking into consideration the hereditary tendency of the man, we find that as a child he was not a healthy child, that his intellectual development was slow, showing intellectual defects up to the age of adolescence.

That we find from the evidence of his tutors that as a child he was not a normal child and that he was different from other children and at the age of adolescence there was a distinct change in his character and that instead of advancing mentally he actually retrograded.

That he had lapses of consciousness and in early life we find traces of delusions. That he committed mad pranks without motive and nothing to show that they were the mere outcome of viciousness.

That in my opinion the history of the case presented before the court is probably one of the most complete on record.

That before he left Ireland we find the existence of delusions which became more fixed later in life and in this country the existence of aural and visual hallucinations and delusions.

That the existence of hallucinations is a strong presumptive evidence of what we call organic brain disease.

That he is a natural or congenital imbecile and is suffering from a well-defined form of insanity, and was so suffering on the night of the first of March last, the date of the commission of the acts with which he is charged.

That in my opinion he was on the said night of the first of March and is to-day, a natural imbecile and suffering from disease of the mind and was incapable of appreciating the nature or quality of an act or of knowing that such act was wrong.

That I regard his case as utterly hopeless and incurable, and that he is now a moral and intellectual imbecile upon which has been implanted insanity and he has suffered from such moral and intellectual imbecility all his life.

That I have no hesitation whatever in saying that this has not been feigned on his part as if it was so he has been feigning all his lifetime.

That he is utterly indifferent to his fate and is utterly unable to realize the position he is now in or the consequences of his acts.

And I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath under and by virtue of the Canada Evidence Act of 1893.

C. K. CLARKE.

Declared before me,

At the City of Kingston in the Province of Ontario,
This Ninth Day of November, 1895.

WM. ANGLIN, J. P.,
County Frontenac, Kingston.

18th November, 1895.

GEO. G. FOSTER, Esq., Barrister, &c., 181 St. James Street, Montreal, Que.

DEAR SIR,—I have honour, by direction of the minister, to acknowledge the receipt of your communication of the 14th instant, inclosing an affidavit of Dr. Charles K. Clarke, of Kingston, to be filed in the record in the case of *The Queen vs. Shortis*.

I have the honour to be, dear sir,
Your obedient servant,

A. POWER,
For Deputy Minister of Justice.

(Translation.)

DEAR SIR,—I see by the papers this evening that Mrs. Shortis is before you with a petition signed by her lawyers and Drs. Daniel Clark, Bucke, Clarke and Anglin. These physicians are well paid to say that Shortis is insane. These are men who saw Shortis four months after the crime; who did not know Shortis on the 2nd of March, or before, and they swore that he was insane at the time of the Valleyfield crime.

I have nothing to dictate to you, sir, as to your conduct; all that I have to say to you is, to leave things as they are. The twelve jurymen rendered a good verdict in view of the evidence of Lowe, Wilson, Leboeuf, Defile, and all the others of this town who knew Shortis well before the crime.

I hope that nothing will be undone as to the sentence rendered against Shortis.

A CITIZEN OF VALLEYFIELD.

DOURO, ONTARIO, November 20, 1895.

The Honourable SIR CHARLES HIBBERT TUPPER, Minister of Justice, Ottawa.

HONOURABLE AND DEAR SIR,—I have the honour to inclose you a clipping from the *Montreal Star*. It contains the sentiments of your humble servant. I am not so foolish, however, as to rave about "judicial murder." Instead of that I thank God that we have a Department of Justice at Ottawa and at its head a minister who will always send lunatics to the asylum while sending criminals to the gallows.

Hoping that you will not resent as an impertinence this plea for the commutation of sentence in favour of the lunatic Shortis.

I have the honour to be, honourable and dear sir, your humble servant,

W. J. KEILTY, P. P.

CLIPPING, MONTREAL STAR.

The Shortis Case.

TO THE EDITOR OF THE "STAR," SIR,—As one who has closely followed the evidence in this case allow me to emphatically protest against the monstrous verdict returned. If this verdict be upheld, then the plea of insanity might as well be eliminated from the statute book. I do not hesitate to say that to execute Shortis would be the commission of a barbarous judicial murder; and this is the general feeling down here.

H. F. DIXON,

Halifax, N. S.

Asst. Priest St. Luke's Cathedral.

DEPARTMENT OF JUSTICE,

OTTAWA, 21st November, 1895.

The Reverend W. J. KEILTY, P. P., Douro, Ontario.

REVEREND AND DEAR SIR,—I beg to acknowledge receipt of your letter of the 20th instant, respecting the case of Shortis convicted of murder.

I can assure you that before the sentence is carried out the evidence in the case will be most carefully examined by me and full consideration will be given to all the points involved before His Excellency's sanction is asked either to the execution or commutation of the sentence.

I am, reverend and dear sir, yours faithfully,

C. H. TUPPER.

WILLISTON, VERMONT, 21st November, 1895.

To Sir CHARLES HIBBERT TUPPER.

SIR,—Although living in the United States I am a daily reader of the *Montreal Star* and have taken great interest in the "Shortis Murder Case." I lived in Montreal from a child, before my marriage, and now that I am a mother, and have a mother's feelings, I implore you to have pity on the poor, broken-hearted mother, Mrs. Shortis, and instead of hanging young Shortis, give him imprisonment for life. Hanging him will do none of us any good, and will be the means of comforting the poor mother if her son's life is spared, and to wait his time for the Master's call. I know the great and good God, if we could talk personally with him, would give comfort to the poor mother and save her only child from the gallows. We all know the homes he has made sorrowful, but let us try and save him, to comfort his mother's heart. It will be best for all in the end. "We are commanded to do good for evil," and God says, "vengeance is Mine; I will repay." I don't know Mrs. Shortis, but I saw in the paper where she was going to appeal to you to save her son's life.

If you can do anything, sir, to give comfort to her I hope you will do so. Hanging Shortis won't bring comfort to the homes he has made desolate.

Hoping, sir, you will forgive me for taking the liberty of writing to you, and I would be glad to hear from you, if you see fit to do so.

I remain, sir, yours very sincerely,

Mrs. J. W. Fenton, Williston, Vermont, U. S. A.

L. FENTON.

209 COMMISSIONERS STREET,

MONTREAL, 19th November, 1895.

Sir CHARLES HIBBERT TUPPER, Minister of Justice, Ottawa.

DEAR SIR,—I understand that you have been petitioned to commute the sentence passed on the unfortunate boy Shortis.

He was a tenant for over a year in my office building "The Atlantic Chambers" and occupied an office on the same floor as my own. I saw him frequently and have not the slightest doubt as to his insanity. So much so that I got him to cancel his lease as he was a nuisance to the other tenants.

He should not be let out on the world again, yet it would be a most cruel thing to hang him and I feel sure that you will render justice in the case.

Yours very truly,

G. H. MATTHEWS.

P.S.—I was asked to give evidence for the defence which you will find in the record of the case.

G. H. M.

DEPARTMENT OF JUSTICE,
OTTAWA, 25th November, 1895.

G. H. MATTHEWS, Esq., 209 Commissioners Street, Montreal, Que.

SIR,—I have the honour to acknowledge the receipt of your letter of the 19th instant, having reference to the case of Shortis, and beg to say that it will receive the minister's attention when the case comes up for consideration.

I am, sir, your obedient servant,

A. POWER,
For Deputy Minister of Justice.

DEPARTMENT OF JUSTICE,
OTTAWA, 25th November, 1895.

Mrs. J. W. FENTON, Williston, Vermont, U.S.A.

MADAM,—I have the honour to acknowledge the receipt of your letter of the 21st instant, addressed to Sir Charles Hibbert Tupper, having reference to the case of Shortis, and beg to say that it will receive the minister's attention when the case comes up for consideration.

I am, madam, your obedient servant,

A. POWER,
For Deputy Minister of Justice.

(Telegram.) *Secretary of State for the Colonies to the Governor General.*

LONDON, 28th November, 1895.

To the Governor General,
Ottawa.

Liverpool influential petition in favour of commutation of sentence Shortis, Beauharnois, goes by mail to-day.

CHAMBERLAIN.

Privy Council.

Referred to Minister of Justice,
JOHN J. MCGEE.
28th November, 1895.

ARCHBISHOP'S PALACE,
KINGSTON, Ont., 27th November, 1895.

The Honourable SIR CHARLES HIBBERT TUPPER, Minister of Justice.

DEAR SIR,—I trust I am not out of order in complying with the request of some respectable gentlemen by offering to you my view of the case of unfortunate Shortis, about which there is so great a diversity of opinion in all parts of the country. The sole question presented to the jury was whether at the time of doing the terrible deed he was sufficiently cognizant of its criminality. By the law of this country the verdict should be simply affirmative or negative, which means absolute guiltiness of murder, involving the death penalty, or absolute acquittal. I confess it would be too much to expect any twelve honest men to declare him free from all guilt. On the other hand, it seems to my mind, after careful perusal of the evidence, to be an overstraining of justice to hold him guilty in the full measure of guilt requisite for condemnation to death. The degree of guilt that should correspond with capital punishment is not measured solely by the gravity of the crime considered objectively, but also and chiefly by the accountability of the agent, which turns upon the distinctness of his understanding of the criminality of the deed at the moment of his

doing it, and the restraining power of his will under guidance of his intellect when moved by sudden impulse of passion excited by the tempting occasion. I venture to assume that this is the phase of the question that will chiefly engage your consideration. In the neighbouring republic, and in several European countries, the jury decide whether the prisoner is guilty of murder in the first, second or third degree. Since our British system does not vest any such discretion in the jury, the constitution supplies a remedy in the appeal to the executive, after full revision of the evidence by the honourable the Minister of Justice.

Be kindly pleased, dear sir, to bear with me whilst I state, as briefly as I can, my reasons for thinking that Shortis was not, when doing the awful deed, so completely accountable as to render himself liable to the guilt and penalty of murder in the first degree. My sacred office imposes on me the duty of studying closely the nature and conditions of human acts in respect of the degree of liberty which constitutes them voluntary acts, for which the agent is responsible in proportion to the light of his mind and the freedom of his will when doing the deed. Great part of my life has been occupied with the application of these principles in the court of conscience, where the soul of the sinner is freely and fully manifested to the priest in the confessional. My experience is, that the sinner's evil deeds, for which he is held mercilessly responsible in the fullest degree of guilt by society, are frequently much less culpable before God, to whose justice all human justice aims at conforming, because of ignorance or indeliberation or lack of the power of self-restraint under the influence of sudden impulse. That Shortis is not a man of sound mind has been, I presume, abundantly established in the evidence before the court; and accordingly he was more liable than men of ordinary mental calibre to confusion of thought and impotence of self-restraint under sudden excitement.

Four medical experts, gentlemen of character, whose lives have been devoted to the study of science in relation to insanity, and who have had many years' experience in the treatment of cerebral disease in its various forms; who have, moreover, been entrusted by government with the management of our insane asylums, and whose judgment of individual patients is accepted without a demur by the families and friends of those committed to their care, have borne testimony in the most explicit manner to the imbecility or insanity of Shortis and his inability to discern the criminality of the deed for which he was tried. Those four medical gentlemen concurred in their opinion with entire unanimity. Their evidence has been unshaken by severest cross-examination. No experts were called by the Crown to undo or weaken their testimony, although two or three had been summoned for that purpose, and were actually in court during the trial.

With all respect for Mr. Macmaster, Q.C., I venture to think that he entirely overshot the mark in his eagerness for conviction of the prisoner, when he told the jury to give no heed to the testimony of those four medical gentlemen, adding that "as they live continually among the insane, they become themselves insane, and hence are commonly called mad doctors." I do not believe that any eminent counsel in England would dare, or would be permitted by the judge, to use such language in addressing the jury. It is inconsistent with the practice of the courts which always demand the evidence of professional gentlemen in cases of this kind, and give it careful consideration, even though the scientific experts should not be wholly unanimous in their testimony. You, sir, know better than I that the guilt of murder could not have been brought home to numberless criminals otherwise than by scientific testimony, which is always more convincing when life-long practice is associated with science. In the Hyams case, just now being tried in Toronto, almost all the evidence is obtained from experts—mechanical experts and medical experts. Were Mr. Macmaster's dictum a rule of law, society could not protect itself against ingenious murderers. And if such testimony is worthy of acceptance at all, it is assuredly most valuable and convincing when the professional experts are unanimous in their opinions, and their character for probity is unquestionable. Mr. Macmaster's assumption and emphatic asseveration that common sense should be the sole basis of judgment, irrespective of the scientific judgment of the medical experts, is an obvious fallacy. There can be no contradiction between true common

sense and true scientific sense; neither does the scientific study of cerebral disease and medical supervision of insane patients necessarily imply that physicians in charge of asylums are themselves insane. The common sense of the community has been shocked by Mr. Macmaster's extravagant utterance. It was allowed to pass unrebuked, and is believed to have influenced the minds of the jurymen. This being so, I cannot but regard the verdict of wilful murder as more or less inconclusive, and consequently insufficient to satisfy the public conscience that no element of doubt is involved in it.

Pray excuse me, dear sir, for addressing this letter to you. I trust you will take it in kindly spirit. If it does no good, it can do no harm.

With much respect, I remain

Yours most faithfully,

†JAMES VINCENT CLEARY,
Archbishop of Kingston.

OFFICE OF THE MINISTER OF JUSTICE, OTTAWA, 30th November, 1895.

The Most Reverend J. V. CLEARY, D. D.,
Archbishop of Kingston, Kingston Ont.

MY DEAR LORD ARCHBISHOP,—I beg to acknowledge receipt of your Grace's letter of the 27th instant relative to the case of Shortis now under sentence of death.

As your Grace is no doubt aware, the decision in capital cases rests with the Governor General in Council. When the case comes before council I shall lay your letter before His Excellency and my colleagues, from whom I feel sure it will receive the most respectful and earnest consideration.

I remain, my dear Lord,

Yours faithfully,

CHARLES HIBBERT TUPPER.

CHAMBER OF COMMERCE, WATERFORD, 20th November, 1895.

The Right Honourable the Earl of ABERDEEN,
Government House, Ottawa.

MY LORD,—I have the honour to inclose the memorial of this Chamber to your Excellency praying that on the grounds stated in the memorial your Excellency may be graciously moved to commute the sentence of death passed at Beauharnois on the young man Shortis.

I have the honour to be

Your Excellency's obedient humble servant,

GEO. GIBSON, *Secretary.*

Per M. A. S.

Privy Council,

Referred to Minister of Justice.

JOHN J. MCGEE,
2nd December, 1895.

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada:

The memorial of the incorporated Chamber of Commerce of the city of Waterford in Ireland, sheweth;

That your memorialists beg respectfully to submit to your Excellency for consideration the case of Valentine Francis Cuthbert Shortis who was convicted recently at Beauharnois in the province of Quebec and sentenced to death for a double murder committed at Valleyfield in that province.

That the condemned youth is a native of the city of Waterford where he resided nearly all his life and was very well known. He was only twenty years of age at the time the crime was committed.

That from an early age Valentine Francis Cuthbert Shortis was of a peculiarly eccentric disposition and acted frequently in such an extraordinary way as to leave little doubt of his being of unsound mind, and from the knowledge and observation of your memorialists they believe he was not accountable for his actions. Moreover it is known to your memorialists that for several generations insanity has existed in the family and that several of its members have been inmates of lunatic asylums.

That owing to the terrible circumstances under which the crime was committed and the difficulty found in empanelling a jury, your memorialists cannot avoid coming to the conclusion that there arose in the district where the murder took place a feeling, which though natural in itself, was prejudicial in the highest degree to a fair and impartial trial, and must have influenced the minds of the jury in returning their fatal verdict, notwithstanding the strong evidence for the defence of insanity given in person at the trial and the various depositions taken before the commission which sat at Waterford.

Your memorialists therefore most humbly pray:

That your Excellency may be graciously pleased to review the evidence submitted for the defence with a view to commutating the sentence of death and in lieu of same having the condemned youth confined in an asylum for the insane.

And your memorialists will ever pray.

ROBERT M. ARDAGH, *President.*

WILLIAM RICHARDSON, *Vice-President.*

WATERFORD UNION, 20th November, 1895.

To His Excellency the Right Honourable

THE EARL OF ABERDEEN, Governor General of the Dominion of Canada.

MY LORD,—I have the honour to forward you, herewith, memorial unanimously adopted by the Board of Guardians of this, Waterford, union at their meeting on Wednesday last, praying for a commutation of the sentence of death passed upon V. F. C. Shortis.

By order,

JOHN MACKAY, *Clerk of Union.*

To His Excellency the Earl of Aberdeen, Governor General of Canada,

We, the guardians of the poor of the Waterford Union duly assembled in our Board Room at Waterford (Ireland) most respectfully beseech Your Excellency to consider the case of Valentine Francis Cuthbert Shortis now under sentence of death for the Valleyfield murders.

We believe that the condemned lad was not of sound mind, and the universal opinion of persons resident in Waterford who had an opportunity of observing him is that he was not accountable for his actions.

We know it to be the fact that insanity has been in Shortis's family for several generations and we respectfully submit that the evidence which was taken in this case on commission at Waterford was sufficient to prove that Shortis was irresponsible.

We are acquainted with most of the witnesses who were examined on the commission at Waterford, and we know them to be men of integrity on whose evidence implicit reliance may be placed, but we fear that their evidence taken on commission had not the same weight as if it were given orally before the jury who would then have an opportunity of judging of the character and credibility of the witnesses, and we are strongly of opinion that this must have operated adversely to the prisoner on the trial, especially in a case which excited intense feeling in the district in which the crime was committed.

We believe that sentence has been passed in this instance on one who through a visitation of Providence was unaccountable for his actions at the time the murders were committed, and it appears to us that the circumstances immediately attending the murder go to show that the perpetrator was a lunatic.

Being convinced of the truth of what we state, we feel it to be our duty to represent to your Excellency that the case is one in which, for the reasons stated, the extreme penalty of the law should not be exacted.

We therefore humbly pray that your Excellency may be pleased to commute the death sentence passed upon Valentine Francis Cuthbert Shortis and to deal with him in such manner, having regard to his mental condition, as to your Excellency may seem fit.

Dated and sealed with our common seal at the Board Room, Waterford, this 13th day of November, 1895.

JOHN DELAHUNTY, *Presiding Chairman.*
JOHN MACKEY, *Clerk of the Union.*

HARBOUR OFFICE, WATERFORD, 20th November, 1895.

Rt. Hon. the Earl of ABERDEEN,
Governor General of Canada, Ottawa.

MY LORD,—At the direction of the Waterford Harbour Commissioners, I have the honour to inclose their memorial praying that, for the reasons therein set forth, your Excellency may be graciously pleased to commute the sentence of death passed at Beauharnois on the convict Shortis.

I have the honour to be, Your Excellency's
obedient humble servant,

J. ALLINGHAM, Jr., *Secretary.*

WATERFORD HARBOUR COMMISSIONERS.

EXTRACT from the Minutes of Proceedings of the Board Meeting held at Harbour Office on the 11th day of November, 1895, T. C. Grubb, Esq., J.P., in the Chair.

Resolved unanimously,

On the motion of A. Nelson, Esq., D.L., seconded by W. G. D. Goff, Esq., J.P., That the memorial to the Earl of Aberdeen, Governor General of Canada, praying for a commutation of the death sentence passed on V. F. C. Shortis at Beauharnois, Canada, be and is hereby adopted by this board, and that the said memorial be signed by the chairman and secretary and sealed with our common seal.

A true copy,

J. ALLINGHAM, Jr.,
Secretary.

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada.

The memorial of the Commissioners for improving the Port and Harbour of Waterford (in Ireland) sheweth:

That Valentine Francis Cuthbert Shortis who has been recently convicted and sentenced to death at Beauharnois, in the province of Quebec, for a double murder committed by him at Valleyfield, is a native of the city of Waterford and at the time of the murder was only twenty years of age.

That Valentine Francis Cuthbert Shortis for many years previous to his leaving Waterford conducted himself in an extraordinary and foolish manner and was reputed to be of unsound mind. That many members of his family have been insane and

have been confined in lunatic asylums, insanity in the family having been transmitted through several generations.

That your memorialists from their own observation and from common repute regarding the mental condition of Valentine Francis Cuthbert Shortis, believe that he was not accountable for his actions.

That the murder would naturally excite great indignation and prejudice in the district in which it was committed and your memorialists submit that the circumstances attending the murder would so operate on the minds of the jury as to prevent their giving full weight to the evidence given in support of the defence of insanity.

That your memorialists submit that although the jury did not adopt the views held by your memorialists still that the evidence given *viva voce* on the trial and the depositions taken on commission in Ireland were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of the murder.

Your memorialists therefore humbly pray;

That it may please your Excellency to direct that the sentence of death passed on Valentine Francis Cuthbert Shortis may be commuted and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that if your Excellency should entertain any doubt as to the justice of the dread sentence, your Excellency may be pleased mercifully to give the benefit of that doubt in favour of this memorial for a commutation of the sentence of death.

And your memorialists will ever pray.

THOMAS CAMBRIDGE GRUBB, *Chairman*,

J. ALLINGHAM, Jr., *Secretary*.

HARBOUR OFFICE, WATERFORD, 11th November, 1895.

DISTRICT LUNATIC ASYLUM, WATERFORD, 19th day of November, 1895.

To His Excellency the EARL OF ABERDEEN,
Governor General of the Dominion of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to inclose at the request of the board of governors of this asylum a memorial on their part praying that your Excellency may be pleased to commute the sentence of death passed on Valentine Francis C. Shortis according to the terms embodied in the said memorial to which I would pray your Excellency's earnest attention.

I have the honour to remain

Your Excellency's most obedient servant,

RINGROSE ATKINS, M.A., M.D., *Resident Medical Supt.*

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada.

The memorial of the Governors of the Lunatic Asylum, Waterford, sheweth; That Valentine Francis Cuthbert Shortis who has been recently convicted and sentenced to death at Beauharnois in the province of Quebec for a double murder committed by him at Valleyfield, is a native of the city of Waterford and at the time of the murder was only twenty years of age.

That Valentine Francis Cuthbert Shortis for many years previous to his leaving Waterford conducted himself in an extraordinary and foolish manner and was reputed to be of unsound mind. That many members of his family have been insane and have been confined in lunatic asylums, insanity in the family having been transmitted through several generations.

That your memorialists from their own observation and from common repute regarding the mental condition of Valentine Francis Cuthbert Shortis believe that he was not accountable for his actions.

That the murder would naturally excite great indignation and prejudice in the district in which it was committed and your memorialists submit that the circumstances attending the murder would so operate on the minds of the jury as to prevent their giving full weight to the evidence given in support of the defence of insanity.

That your memorialists submit that although the jury did not adopt the views held by your memorialists still that the evidence given *viva voce* on the trial and the depositions taken on commission in Ireland were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of the murder.

Your memorialists therefore humbly pray;

That it may please your Excellency to direct that the sentence of death passed on Valentine Francis Cuthbert Shortis may be commuted and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that if your Excellency should entertain any doubt as to the justice of the dread sentence, your Excellency may be pleased mercifully to give the benefit of that doubt in favour of this memorial for commutation of the sentence of death.

And your memorialists will ever pray.

Signed on behalf of the Board of Governors,

D. F. FORTESCUE, *Chairman.*

MAYOR'S OFFICE, CITY HALL,
WATERFORD, 20th November, 1895.

To His Excellency

The Right Honourable the Earl of ABERDEEN,
Governor General of Canada.

YOUR EXCELLENCY,—I beg to inclose memorial of the corporation of Waterford, praying for a commutation of the death sentence passed on Valentine Francis Cuthbert Shortis, also copy of the resolution directing the corporation seal to be affixed to the memorial.

I have the honour to remain,

Your Excellency's most obedient servant,

W. J. SMITH, *Mayor of Waterford.*

TOWN CLERK'S OFFICE, TOWN HALL,
WATERFORD, 11th November, 1895.

At a meeting of the corporation of Waterford held this day in the Council Chamber, Waterford, it was proposed by Councillor H. D. Fisher, seconded by Councillor W. R. Ward, and unanimously resolved, "That we, the mayor, aldermen and burgesses of the borough of Waterford, in council assembled, hereby adopt the petition to His Excellency the Earl of Aberdeen for the commutation of the death sentence on Valentine Francis Cuthbert Shortis, and that the corporation seal be attached thereto."

I certify the above to be a true copy.

JAMES J. FEELY, *Town Clerk.*

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada.

The memorial of the mayor, aldermen and burgesses of the borough of Waterford, showeth:—

That Valentine Francis Cuthbert Shortis who has been recently convicted and sentenced to death at Beauharnois in the province of Quebec for a double murder committed by him at Valleyfield, is a native of the city of Waterford and at the time of the murder was only twenty years of age.

That Valentine Francis Cuthbert Shortis for many years previous to his leaving Waterford conducted himself in an extraordinary and foolish manner and was reputed to be of unsound mind. That many members of his family have been insane and have been confined in lunatic asylums, insanity in the family having been transmitted through several generations.

That your memorialists from their own observation and from common repute regarding the mental condition of Valentine Francis Cuthbert Shortis believe that he was not accountable for his actions.

That the murder would naturally excite great indignation and prejudice in the district in which it was committed and your memorialists submit that the circumstances attending the murder would so operate on the minds of the jury as to prevent their giving full weight to the evidence given in support of the defence of insanity.

That your memorialists submit that although the jury did not adopt the views held by your memorialists still that the evidence given *viva voce* on the trial and the depositions taken on commission in Ireland were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of his murder.

Your memorialists therefore humbly pray:

That it may please your Excellency to direct that sentence of death passed on Valentine Francis Cuthbert Shortis may be commuted and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that if your Excellency should entertain any doubt as to the justice of the dread sentence, your Excellency may be pleased mercifully to give the benefit of the doubt in favour of this memorial for a commutation of the sentence of death.

And your memorialists will ever pray.

Given at the Council Chamber in the Borough of Waterford under our common seal this 11th day of November, 1895.

W. J. SMITH, *Mayor of Waterford.*

JAMES J. FEELY, *Town Clerk.*

CLONMEL UNION, CLERK'S OFFICE, 22nd day of November, 1895.

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General, Ottawa, Canada.

MAY IT PLEASE YOUR EXCELLENCY,—That at a meeting of the Board of Guardians of the Clonmel Union, held on the 21st instant, it was proposed by Arthur St. George, Esq., seconded by Patrick Nugent, Esq., and unanimously resolved, that the petition inclosed herewith be forwarded to Lord Aberdeen, and the board trust that your Excellency will be kind enough to take a merciful view of the unfortunate position of Valentine Francis Cuthbert Shortis, who has been condemned to be hanged for murder at Valleyfield, Canada.

I have the honour to remain your Excellency's obedient servant,

JOHN BEARY, *Clerk of Union.*

Privy Council.

Referred to Minister of Justice,

JOHN J. MCGEE.

2nd December, 1895.

That a petition be submitted to His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada, praying that His Excellency may, on reviewing the facts of the case attending the trial, be mercifully pleased to order that the sentence of death recently passed on Valentine Francis Cuthbert Shortis for murder at Valleyfield, Canada, be commuted, and that he be confined in a lunatic asylum, or that he may be dealt with in such other manner as His Excellency may direct.

EDMOND O'DONNELL, *Chairman.*

JOHN BEARY, *Clerk of Union.*

21st November, 1895.

To His Excellency the Governor General of Canada.

The humble petition of the undermentioned persons living at or near Clonmel, in Ireland, sheweth:

That Valentine Francis Cuthbert Shortis, at present lying under sentence of death for a murder committed at Valleyfield, Canada, is the son of Francis Shortis, a native of Clonmel in Ireland.

That in support of the plea of insanity set up by the defence, a mass of evidence was taken in Ireland by virtue of a commission issued from the Canadian courts, showing that from his childhood up to the time he left Ireland, some eighteen months before the murder, Valentine Francis Cuthbert Shortis had conducted himself in a strange and extraordinary manner, and was generally reputed to be of weak intellect.

That several ancestors and other near relatives of said Francis Shortis (the father of the said Valentine Francis Cuthbert Shortis) on both the mother's and father's side, have been insane, and that some of them were inmates of, and died in, the Clonmel District Lunatic Asylum.

That the circumstances attending the murder, whereby a comparative stranger took away the lives of two well-known inhabitants of Valleyfield, would be calculated to create a strong feeling of resentment in the minds of the people there, and that the evidence taken by depositions in this country did not have that weight with the jury which it would have if it had been tendered in their presence.

That, taking into account the amount of evidence given at the trial in support of the plea of insanity of the said Valentine Francis Cuthbert Shortis, and the continuous strain of insanity in the Shortis family, your petitioners consider that the case is one in which the extreme penalty of the law should not be inflicted.

Your petitioners therefore humbly pray that your Excellency may, on reviewing the facts of the case, be mercifully pleased to order that the sentence of death passed on Valentine Francis Cuthbert Shortis be commuted, and that he be confined in a lunatic asylum, or that he may be dealt with in such other manner as your Excellency shall direct.

JOSEPH B. COONEY, *O.S.F.*,
THE ABBEY, CLONMEL.
P. B. BRADLEY, *O.S.F.*,
and 70 others.

POOR LAW UNION, BOARD ROOM,
CLONMEL, 21st November, 1895.

Proposed by Mr. Arthur St. George, seconded by Mr. Patrick Nugent,
That the foregoing petition be adopted, the seal of the union be hereto affixed, and a copy thereof sent to the Governor General of Canada.

Passed unanimously.

EDMOND O'DONNELL, *Chairman*,
JOHN BEARY, *Clerk of Union*,
and 17 others.

MUNICIPAL COUNCIL CHAMBER, TOWN HALL,
CLONMEL, 22nd November, 1895.

Proposed by Mr. Alderman Higgins, seconded by Mr. Alderman Wright,
That the foregoing petition, on behalf of Valentine Francis Cuthbert Shortis, be and is hereby adopted by the Town Council of the Borough of Clonmel; that the corporate seal be attached hereto, and that a copy of the resolution adopting the said petition under the hand and seal of the mayor be forwarded to the Governor General of Canada.

Passed unanimously.

EDWARD CANTWELL, *Mayor of Clonmel*.
JOHN F. O'BRIEN, *Town Clerk of Clonmel*.
and 21 others.

MAYOR'S OFFICE,
WATERFORD, 23rd November, 1895.

MAY IT PLEASE YOUR EXCELLENCY,—I have been requested by several prominent citizens of Waterford to forward to you the inclosed memorial for a commutation of the death sentence passed on Valentine Francis Cathbert Shortis.

I also inclose an analysis of the signatures to the memorial, to enable your Excellency to judge of its representative character. I beg to state for your Excellency's information, that at the time the memorial was prepared the public here were not aware that experts, on behalf of the Crown, had examined Shortis and that their evidence was not put before the jury, and the feeling here is that the opinion of these experts should not have been withheld.

I have the honour to remain,
Your Excellency's most obedient servant,

W. J. SMITH,
Mayor.

Privy Council.

Referred to the Minister of Justice,
JOHN J. MCGEE,
2nd December, 1895.

MAYOR'S OFFICE,
CLONMEL, 23rd November, 1895.

To His Excellency

The Right Honourable the Earl of ABERDEEN,
Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—I have the honour to forward herewith a resolution passed by a meeting of the municipal council of this borough held on yesterday, approving of a petition on behalf of Valentine F. C. Shortis, who has been convicted of murder at Valleyfield, Canada.

I may add from my own knowledge of the Shortis family that there is undoubtedly insanity in it, and that an uncle of the unfortunate young man died an inmate of the Clonmel District Lunatic Asylum.

I am sure that if Your Excellency find it consistent with the duties of your high position to extend your clemency to young Shortis, the people of the south of Ireland will feel grateful.

I have the honour to be,
Your Excellency's obedient, humble servant,

EDWARD CANTWELL,
Mayor of Clonmel.

CORPORATION OF CLONMEL.

At a meeting of the Council of the Borough of Clonmel, holden in the Council Chamber within the Town Hall, on Friday the 22nd day of November, 1895.

It was moved by Mr. Alderman Higgins, and seconded by Mr. Alderman Wright.

Resolved,—That a petition be submitted to His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada, praying that His Excellency may, on reviewing the facts of the case attending the trial, be mercifully pleased to order that the sentence of death recently passed on Valentine Francis Cathbert Shortis for murder at Valleyfield, Canada, be commuted, and

that he be confined in a lunatic asylum, or that he may be dealt with in such other manner as His Excellency may direct.

And it is ordered that the common seal of the corporation be attached thereto.

D. J. HIGGINS, *Alderman*,

B. WRIGHT, *Alderman*.

Carried unanimously.

E. CANTWELL, *Mayor*.

I hereby certify that the foregoing is a true copy of a resolution passed at a meeting of the Town Council of Clonmel, held on the 22nd day of November, 1895. Given under my hand and seal of office this 22nd day of November, 1895.

EDWARD CANTWELL, *Mayor of Clonmel*,

JOHN F. O'BRIEN, *Town Clerk*.

MAYOR'S OFFICE, WATERFORD.

ANALYSIS OF SIGNATURES TO ANNEXED MEMORIAL.

The Protestant and Roman Catholic bishops of the diocese.

All the clergy of the Protestant Episcopal Church of Ireland in Waterford.

The Roman Catholic clergy and the members of the various religious orders in Waterford.

The clergy of all the Protestant dissenting congregations in Waterford.

Sir Robert J. Paul, Baronet, Vice-Lieutenant for the County of Waterford.

C. E. Denny, Esq., High Sheriff of Waterford County.

H. L. Ward, Esq., High Sheriff of Waterford City.

The mayor of Waterford.

Numerous justices of the peace for County and City of Waterford.

All the bankers in Waterford.

The Crown solicitor and 22 barristers and solicitors residing in and near Waterford.

Eighteen members of the medical profession in and near Waterford.

The remainder of the signatures are those of public officials, merchants, traders, shipowners, shopkeepers, and the general public.

To His Excellency the Right Honourable the Earl of Aberdeen, Governor General of the Dominion of Canada:—

The memorial of the undersigned persons residing in and near Waterford in Ireland, sheweth:—

That Valentine Francis Cuthbert Shortis, who has been recently convicted and sentenced to death at Beauharnois, in the province of Quebec, for a double murder committed by him at Valleclyfield, is a native of the city of Waterford, and at the time of the murder was only 20 years of age;

That Valentine Francis Cuthbert Shortis, for many years previous to his leaving Waterford, conducted himself in an extraordinary and foolish manner and was reputed to be of unsound mind; that many members of his family have been insane and have been confined in lunatic asylums, insanity in the family having been transmitted through several generations;

That your memorialists, from their own observation and from common repute regarding the mental condition of Valentine Francis Cuthbert Shortis, believe that he was not accountable for his actions;

That the murder would naturally excite great indignation and prejudice in the district in which it was committed, and your memorialists submit that the circumstances attending the murder would so operate on the minds of the jury as to prevent their giving full weight to the evidence given in support of the defence of insanity;

That your memorialists submit that although the jury did not adopt the views held by your memorialists still that the evidence given *viva voce* on the trial and

the depositions taken on commission in Ireland were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of the murder.

Your memorialists therefore humbly pray:—

That it may please Your Excellency to direct that the sentence of death passed on Valentine Francis Cuthbert Shortis may be commuted and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that if Your Excellency should entertain any doubt as to the justice of the dread sentence, Your Excellency may be pleased mercifully to give the benefit of that doubt in favour of this memorial for a commutation of the sentence of death.

And your memorialists will ever pray.

† RICHARD A. SHEEHAN,
Bishop of Waterford.
MAURICE J. CASHEL,
Palace, Waterford.
WILLIAM O'DONNELL,
Administrator, Cathedral Waterford.
JOHN MORGAN,
Dean of Waterford.
HENRY L. WARD,
High Sheriff, Waterford City.
PHILIP DUNPHY,
Bishop's Secretary, Waterford.
RICHARD L. PYNE,
Curate Asst., St. Patrick's, Waterford.
R. BOYD,
Collector H. M. Customs, Waterford.
And 1019 others.

(Telegram.) *Irish Stock Owners to Lord Aberdeen.*

DUBLIN, 2nd December, 1895.

Following passed by Committee of Irish Stock Owners:—That Lord Aberdeen be asked to reprieve young Shortis, the committee being unanimously of opinion that inquiry would prove him insane and unaccountable for his actions.

SECRETARY.

Privy Council,
Referred to Minister of Justice,
JOHN J. MCGEE.
2nd December, 1895.

(Private.)

MONTREAL, 30th November, 1895.

E. L. NEWCOMBE, Esq., Q. C.,
Ottawa, Ont.

MY DEAR NEWCOMBE,—Referring to the Shortis record, I believe the judge has sent forward his charge and Mr. Greenshields's address. My address has not yet gone forward as there was some delay in copying it, owing to there being a number of extracts in it which the shorthand writer relied upon getting from the books, but as some of the books came from public libraries and from private friends, I caused them to be distributed immediately after the trial, and being absent myself for about 7 or 8 days afterwards, it was impossible to supply these in any other way than by going through the whole record, which you will see caused delay. I will endeavour to have the judge send forward the speech to-day or Monday.

Hoping you are quite well, I am,

My dear Newcombe,
Yours sincerely,

D. MACMASTER.

WATERFORD, 9th July, 1895.

Re Valentine Shortis.

DEAR SIR,—In reply to your letter of the 26th ultimo I inclose a list of the names of the further witnesses other than those whose statements you have and those referred to in our letter to your firm of the 6th April last. I expect to-morrow to send a further list. The notice has been short and I expected some more time to prepare. I enclose the evidence of four of the witnesses so that you may see whether they should be examined. Wire me to-morrow when the commission will likely sit here and the last day on which the names of any further witnesses should be forwarded. In addition to the witnesses whose statements you have, those mentioned in the letter of 6th April last as material are Dr. Wm. Hastings Garner and Dr. Thomas Joseph Crean.

Yours faithfully,

DOBBYN, TANDY & McCOY.

J. N. GREENSHIELDS, Esq., Q.C.,
Savoy Hotel, London.

WATERFORD, 13th July, 1895.

DEAR SIR,—Of the witnesses already named Mr. Joseph Strangman, D.L., died last May, and Thomas Heglin we find cannot give any direct evidence, so his name may be struck out of list.

You may add to the list the name of John Collins of the Town Hall, Waterford.

We think we will be ready by Thursday but will let you have a wire early on Monday. Some of our witnesses live at a distance. We have written to them and we hope they will be available.

We will arrange about the shorthand writers.

We inclose notes of the evidence of Edward Donnelly, of Ballybricken, Waterford, and of James P. Cunningham, of the Mount Iron Schools, Waterford, whose names may be added to list of witnesses—also Patrick Walsh, of William Street, and John Fitzgerald, of Waterford.

You will arrive here during the city election. It will be all over by Thursday. So that practically Thursday is the earliest day we could count on having the witnesses. It is important that we should see you on Tuesday.

Yours very truly,

DOBBYN, TANDY & McCOY.

J. N. GREENSHIELDS, Esq., Q.C.,
Westminster Palace Hotel, London, S.W.

MONTREAL, 5th December, 1895.

MR. POWER, Q.C.,
Deputy Minister of Justice,
Ottawa, Ont.

DEAR SIR,—Herewith I have the honour to inclose you two letters, dated respectively, July 13th, 1895, and July 9th, 1895, which I omitted to attach to the document I sent you this morning, signed by J. N. Greenshields, Q.C.

Will you be kind enough to attach them and oblige.

Yours truly,

GEO. G. FOSTER.

MONTREAL, 5th December, 1895.

MR. POWERS, Q.C.,
Deputy Minister of Justice,
Ottawa, Ont.

DEAR SIR,—Inclosed I have the honour to send you affidavit signed by J. N. Greenshields, Q.C., in connection with the appeal before you to commute the sentence of V. F. C. Shortis.

I take the liberty of sending it direct to you, as the minister told me the record was before you and some delay might occur if I sent it through the ordinary source.

Yours truly,

FOSTER, MARTIN & GIROUARD.

G.G.F.

DOMINION OF CANADA.

I, James Naismith Greenshields, of the city and district of Montreal, do solemnly declare:—

That I am one of the counsel retained for the defence of Valentine Francis Cuthbert Shortis, convicted of murder on the third day of November last, at Beauharnois, in the district of Beauharnois.

That on the twenty-ninth day of June last I sailed to Great Britain and Ireland for the purpose of procuring evidence of the prisoner's early life and habits which evidence was put in under the commission issued to Ireland, with Judge Dugas appointed as commissioner.

That shortly after the arrest of the prisoner I was retained by a friend of the prisoner's father, and I then communicated with the prisoner's father and informed him that under our law a commission could be issued to Ireland for the examination of witnesses there on behalf of the defence, and I asked him to send me the name and address of his solicitor in Waterford, Ireland.

I was then put in communication with Mr. Archibald McCoy, solicitor, of Waterford, and asked him to procure any and all possible information regarding the life and conduct of the prisoner while in Ireland.

That the evidence taken under the commission was procured by Archibald McCoy as such solicitor, and in no way procured through any suggestion or through any information obtained from the prisoner by me or any of his other counsel.

That after my first two or three interviews with the prisoner, I saw it was useless for me to attempt to obtain any information or suggestion as to his line of defence, and he did not give me or his other counsel, so far as I know, the name of one single witness to be examined on his behalf in Ireland, and made no suggestions regarding the same.

He has always appeared utterly indifferent as to what his defence may be, so much so, that I ceased after four or five interviews with him, to see him, and during the whole of the trial I never once spoke to him until after the verdict.

The prisoner had nothing whatever to do with the evidence given under the Irish Commission, or the evidence given by witnesses in Canada, nor did he ever supply any information which could have been made use of during the trial.

And I make this solemn declaration, conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act of 1893.

J. N. GREENSHIELDS.

Sworn to and acknowledged before me at the city of Montreal, this fourth day of December, 1895.

B. SHEPPERD,

Commissioner, Superior Court, District of Montreal.

TIPPERARY UNION, BOARD ROOM,
30th day of November, 1895.

To the Honourable the Minister of Justice of Canada.

Sir,—I have the honour to inclose you a petition from the Board of Guardians of Tipperary Union praying for a commutation of the death sentence passed on Valentine Francis Cuthbert Shortis, for the Valleyfield murders, and to inform you

that a copy has also been forwarded to His Excellency the Governor General of Canada.

I have the honour to be, sir,
Your most obedient servant,

JOSEPH GUBBINS,
Clerk of Union.

To the Honourable the Minister of Justice of Canada :

We, the Guardians of the Poor of the Tipperary Union duly assembled in our Board Room at Tipperary (Ireland) most respectfully beseech you to consider the case of Valentine Francis Cuthbert Shortis, now under sentence of death for the Valleyfield murders.

We believe the condemned lad was not of sound mind, and the universal opinion of persons who had an opportunity of observing him is that he is not accountable for his actions.

We know it to be a fact that insanity has been in the Shortis family for several generations, and we respectfully submit that the evidence that has been taken in this case on commission at Waterford was sufficient to prove that Shortis was irresponsible.

We believe that the witnesses who were examined on commission at Waterford are men of integrity, on whose evidence implicitly reliance may be placed, but we fear that their evidence taken on commission had not the same weight as if it were given orally before the jury, who would then have had the opportunity of judging of the character and credibility of the witnesses, and we are strongly of opinion that this must have operated adversely to the prisoner on the trial especially in a case which excited intense feeling in the district in which the crime was committed.

We believe that the sentence has been passed in this instance on one who through a visitation of Providence was unaccountable for his actions at the time the murders were committed, and it appears to us that the circumstances immediately attending the murder go to prove that the perpetrator was a lunatic.

Being convinced of the truth of what we state, we feel it to be our duty to represent to you that the case is one in which, for the reasons stated, the extreme penalty of the law should not be exacted.

We therefore humbly pray that you may be pleased to represent to His Excellency the Governor General of Canada, to commute the death sentence passed on Valentine Francis Cuthbert Shortis, having regard to his mental condition, as to His Excellency shall seem fit.

Signed on behalf of the Board, pursuant to resolution of the 19th day of November, 1895.

MICHAEL D'ALTON,
Chairman.

JOSEPH GUBBINS,
Clerk of Union, Tipperary.

VICTORIA CHAMBERS, 17 VICTORIA STREET,
LONDON, S.W., 29th November, 1895.

The Honourable the Minister of Justice,
Ottawa, Canada.

Sir,—I beg to transmit herewith for your information a copy of a letter received from Professor Wallace, of Edinburgh University, (who visited Canada in 1893 to report upon the agricultural resources of the country) respecting the case of Valentine Shortis, who has been sentenced to death for the murder of two men in Beauharnois county, Quebec.

In reply to this communication, I informed Professor Wallace that I should be happy to forward to you any statement he might submit to me, for your considera-

tion, and I now beg to inclose a document that has just reached me regarding the case.

I am, sir, your obedient servant,

CHARLES TUPPER,
High Commissioner.

UNIVERSITY OF EDINBURGH, 28th November, 1895.

DEAR SIR CHARLES TUPPER,—I was much indebted for your telegram saying you would be good enough to send on my memo. to the Minister of Justice in Canada. I now inclose the document and the photo. referred to in it and I feel sure you will appreciate the position I have taken up. I know you will give my communication an introduction which will secure for it all the consideration it may be worthy of.

I am yours very faithfully,

ROBERT WALLACE.

AGRICULTURE DEPARTMENT,

THE UNIVERSITY, EDINBURGH, 22nd November, 1895.

Sir CHAS. TUPPER.

DEAR SIR CHARLES TUPPER,—When I went over to Canada in 1893, I travelled with a young fellow of the name of Shortis, and as he happened to be one of those who were in my own immediate little circle, I got to know him very well. To my horror the other day I found in the Canadian papers that he shot his three most intimate friends dead and is to be hanged on the 3rd January. As I am so confident that the youth must have been mad, knowing him as I did, I venture to write to you to see if anything can be done in the way of putting an independent and unbiassed statement of what I know of him before the proper authorities in Canada. The youth was an Irishman of good family, but owing to delicate health had been badly educated. At that time there was no doubt his mental condition was far from right. At certain periods he was an agreeable enough companion and humorous, but on other occasions he was morose and so unlike an ordinary individual that his familiar name amongst ourselves was the mad Irishman. I happen to have a photograph of him in a group which I took on board, in which he exhibits the expression which he assumed during those peculiar turns or moods which he took.

Before writing anything of an official nature, I thought I should like to consult you first what your feeling was in the matter, and if you can see your way to forward my statement to Canada, with whatever expression of opinion you may care to give when you see it, I shall be much indebted. Of course, the crime of shooting three innocent men, especially as they were his intimate friends cannot be understood at all unless on the plea that the youth was insane at the time, and I feel of course it would be a horrible thing to have a man who is not responsible for his actions hanged however terrible the nature of the crime he committed.

I am faithfully yours,

ROBERT WALLACE.

The Shortis Case.

28th November, 1895.

I have pleasure in certifying that this document has been drawn up by my friend and colleague, Professor Robert Wallace, of the University of Edinburgh.

J. KIRKPATRICK,
Sect. of Senatus.

MEMORANDUM by *Robert Wallace, Professor of Agriculture and Rural Economy in the University of Edinburgh.*

In going to Canada in 1893 on a special mission of inquiry into the agricultural resources of the colony, at the request of the Canadian government, I sailed from Liverpool to Montreal with the young Irishman, Shortis, who has been tried and condemned for shooting three of his friends and companions at the Valleyfield Cotton Mill, Canada. The information which has reached me is that he is to be hanged on January 3rd. I have not seen all the evidence, and I may be ignorant of the most recent facts of the case. I have held no communication with any of his relatives or friends and I take this action entirely on my own instance. My sole desire is to express the uninterested and unbiassed opinion of a man who has devoted much time and careful attention to the study of character under very exceptional opportunities for doing so. It has been my lot to spend a large share of my time abroad in the employment of various colonial and other governments, in which my investigations led me to judge quite as much of men as of things. Shortis was a youth of good family and gentlemanly manners and at times he was quaint and even interesting. He belonged to a little group of about six persons, of whom I was one, and consequently I got to know him intimately, and not as a casual acquaintance. My expressed opinion of him then was that there was something wrong with his mental balance, and as evidence of this I named him in a friendly way "The mad Irishman." His case appeared to me to be one of arrested mental development, as many of his actions were those more of a boy of twelve years of age than of a young man. At times, too, he assumed a decidedly imbecile attitude and expression, illustrated in the accompanying group photograph taken by me on board.

It was perfectly correct, as was stated in court, that he was very imperfectly educated, and that this was due to delicacy while he was a boy.

I have laid the facts of the case as they are known to me before Dr. Clouston, Physician Superintendent of the Royal Edinburgh Asylum for the Insane, and lecturer on mental diseases in our university, and also author of several standard works on mental diseases. He is strongly of opinion that Shortis is one of a class of arrested developed brains, many of whom do criminal acts for which they are certainly not responsible through this deficiency.

I am so absolutely confident from my knowledge of the character of young Shortis that he must have been mad at the time he shot his companions, that I write this memo. in hope that his case is yet open for consideration by the Minister of Justice, and that this statement of mine may be regarded as evidence in his favour worthy of consideration.

ROBERT WALLACE,
Prof. of Agriculture.

University of Edinburgh, 27th November, 1895.
Signed and declared before me, this 28th Nov., 1895,

W. MINE,
Principal and V. Chancellor, Edinburgh University.

To the Minister of Justice for the Dominion of Canada.

THE JUDGES' CHAMBERS,
MONTREAL, 9th December, 1895.

To the Honourable Sir CHARLES H. TUPPER,
Minister of Justice.

SIR,—In answer to the letter of your deputy, Mr. Newcombe, of the 3rd day of December, instant, saying that you would be glad to receive, for the confidential information of His Excellency the Governor General in Council, the evidence and any other matters touching the case of Shortis, which I may desire to advert to, I beg to say that I believe that, under our law, as it stands, no other verdict than one of guilty could have been rendered, because I believe that at the time of the murder

Shortis was not labouring under natural imbecility or disease of the mind to such an extent as to render him incapable of appreciating the nature and quality of the murder, and of knowing that such murder was wrong. I believe he knew what he was doing and that he was doing wrong. The circumstances of the murder and the convict's words to Smith immediately after he was arrested "Shoot me or lend me your revolver and I will shoot myself," according to me, establish that he knew he was doing wrong and that he had done wrong. At the same time I am bound to say that the evidence of the convict's acts previous to the murder points to the conclusion that he is not perfectly sane. Those acts seem to show that Shortis was not like other young men of his age and of his education. If he had been perfectly sane, perhaps he would have foreseen the difficulty and the risk of the enterprise. But, although I think that he was not perfectly sane, at the same time, I believe that he was not so insane as not to know that the murder that he was committing was wrong. That is my personal conviction, but I must remark that the evidence of the medical men, all on the side of the defence, has given me a great deal of anxiety. Those men are able and honest men; they are men of first class standing and they all swore positively that Shortis could not appreciate the quality of the murder, and, in fact, that he did not know what he was doing. Taking into consideration the evidence of the acts of Shortis previous to the murder, and especially his acts in Ireland, and also the evidence of the medical men and all the other circumstances, perhaps this is a case where the clemency of His Excellency the Governor General in Council might be exercised, in sending Shortis to the penitentiary for life instead of having him executed.

I have the honour to be, sir,
Your obedient servant,

M. MATHIEU.

TRAMORE, COUNTY WATERFORD, IRELAND, 30th November, 1895.

The Honourable the Minister of Justice, Ottawa, Canada.

SIR,—I have the honour to inclose herewith the petition of the joint committee of the grand juries of the county and city of Waterford, praying for a commutation of the death sentence passed on Valentine Francis Cuthbert Shortis, and I beg your earnest attention to the petition.

I remain, sir, your most obedient servant,

JOHN RYAN, J.P.,
Chairman.

THE PETITION OF THE JOINT COMMITTEE OF THE GRAND JURIES OF THE COUNTY
AND CITY OF WATERFORD.

To the Honourable the Minister of Justice for the Dominion of Canada :

Your petitioners beg to lay before you the following statement regarding Valentine Francis Cuthbert Shortis, convicted and sentenced to death at Beauharnois for the Valleyfield murders.

That at the time of the murders, Valentine Francis Cuthbert Shortis was only 20 years of age.

That his conduct while in Waterford was most eccentric and peculiar and not that of a sane lad.

That insanity in his family is hereditary.

That the almost universal opinion of all persons in Waterford who were acquainted with Shortis was that he was not of sound mind.

That the murder committed by a stranger would excite such feelings in the district that the minds of a jury taken from that district would in our opinion be so affected by the crime that they would not give the same weight to the evidence

brought forward in support of the defence of insanity as would be given to same by a jury selected from a distant area.

Your petitioners believe that the present is a case in which the death sentence should be commuted and confinement in a lunatic asylum substituted, and that, if you should be pleased to grant the prayer of this petition, time will prove that by the further development of insanity which your petitioners anticipate will take place in Shortis as he grows older, you will have exercised a wise, a just and a merciful discretion.

Your petitioners most humbly and respectfully pray that you may be pleased to direct that the sentence passed on Valentine Francis Cuthbert Shortis be not executed but that he may be confined in an asylum for the insane.

Signed on behalf of the joint Committee, at the Court House, Waterford, this 25th day of November, A. D. 1895.

JOHN RYAN, J. P.
Chairman.

TIPPERARY UNION BOARD ROOM,
30th day of November, 1895.

To His Excellency
THE EARL OF ABERDEEN,
Governor General,
Canada.

MY LORD,—I have the honour to inclose for your Lordship's kind consideration a petition from the Board of Guardians of Tipperary Union, praying for a commutation of the death sentence passed on Valentine Francis Cuthbert Shortis, for the Valleyfield murders.

I have the honour to be
Your Lordship's most obedient
and humble servant,

JOSEPH GUBBINS,
Clerk of Union.

Privy Council.
Referred to Minister of Justice,
J. J. MCGEE,
11th December, 1895.

To His Excellency the Earl of Aberdeen, Governor General of Canada.

We, the guardians of the poor of the Tipperary Union, assembled in our board room at Tipperary (Ireland) most respectfully beseech Your Excellency to consider the case of Valentine Francis Cuthbert Shortis, now under sentence of death for the Valleyfield murders.

We believe that the condemned lad was not of sound mind and the universal opinion of persons who had an opportunity of observing him is that he is not accountable for his actions.

We know it to be the fact that insanity has been in the Shortis family for several generations, and we respectfully submit that the evidence which was taken in this case on commission at Waterford was sufficient to prove that Shortis was irresponsible.

We believe that the witnesses who were examined on the commission at Waterford are men of integrity on whose evidence implicit reliance may be placed, but we fear that their evidence taken on commission had not the same weight as if it were given orally before the jury who would then have had the opportunity of judging of the character and credibility of the witnesses—and we are strongly of

opinion that this must have operated adversely to the prisoner on the trial, especially in a case which excited intense feeling in the district in which the crime was committed.

We believe that sentence has been passed in this instance on one who through a visitation of Providence was unaccountable for his actions at the time the murders were committed, and it appears to us that the circumstances immediately attending the murder go to prove that the perpetrator was a lunatic.

Being convinced of the truth of what we state we feel it to be our duty to represent to Your Excellency that the case is one in which, for the reasons stated, the extreme penalty of the law should not be exacted.

We therefore humbly pray that Your Excellency may be pleased to commute the death sentence passed on Valentine Francis Cuthbert Shortis, and to deal with him in such manner having regard to his mental condition as to Your Excellency shall seem fit.

Signed on behalf of the Board pursuant to resolution of the 19th day of November, 1895.

MICHAEL D'ALTON, *Chairman,*
JOSEPH GUBBINS, *Clerk of Union,*
Tipperary.

TOWN HALL,
CASHEL, 26th November, 1895.

To the Right Honourable Earl of ABERDEEN.

MAY IT PLEASE YOUR EXCELLENCY,—I have been directed by the Town Commissioners to forward you the accompanying memorial adopted by the commissioners at a special meeting held this day.

I have the honour to be
Your Excellency's most obedient servant,

JOHN O'LEARY,
Assistant Town Clerk.

Privy Council.

Referred to the Minister of Justice,

J. J. MCGEE.

11th December, 1895.

To His Excellency the Governor General of the Dominion of Canada.

The memorial of the commissioners of the township of Cashel in the county of Tipperary, Ireland.

MAY IT PLEASE YOUR EXCELLENCY: We, the town commissioners of the city of Cashel, at special meeting assembled, do most earnestly pray your Excellency may be pleased to commute the sentence of death passed on Valentine Francis Cuthbert Shortis, a native of Waterford, at Beauharnois, in the province of Quebec.

Firstly.—Insanity is hereditary in his family to our own knowledge; his uncle and other near relatives have been confined in lunatic asylums.

Secondly.—This youth, who is well known to a great many of our citizens from his public acts, was looked upon by them as suffering from infirmity of mind. Being of strictly temperate habits, his extraordinary conduct was often viewed by them as being incompatible with sanity.

Thirdly.—It is not unreasonable to suppose that the minds of the jury must have been to some extent influenced by the strong feeling that existed in the locality against the committal of so serious a crime by a stranger.

We most humbly entreat Your Excellency to give this case that impartial consideration for which your high character has always been proverbial and that you

will give the benefit of any doubt that may exist in your mind to this unfortunate young fellow and direct that he be confined in a lunatic asylum.

Signed on behalf of the commissioners.

DANIEL DEVITT,
Chairman.
JOHN O'LEARY,
Asst. Town Clerk.

MONTREAL, 11th December, 1895.

Sir CHARLES HIBBERT TUPPER,
Minister of Justice,
Ottawa, Ont.

Re Shortis.

MY DEAR SIR,—I beg to send you a copy of a letter from Dr. George Villeneuve, Superintendent of the Asylum of St. Jean de Dieu which I received yesterday. I have communicated this letter to the Attorney General of the province of Quebec and I now beg to send you copy of my letter to the Attorney General.

I also beg to inclose to you a copy of a letter which I received from Dr. C. K. Clarke, of Rockwood Asylum, Kingston, one of the experts called by the defence, and a copy of my reply to him.

Yours sincerely,

D. MACMASTER.

MONTREAL, 5th December, 1895.

Dr. GEO. VILLENEUVE,
Surintendant Médical de l'Asile de St. Jean de Dieu,
Longue Point, P.Q.

MR. D. MACMASTER, Q. C.
Montreal.

DEAR SIR,—For some unaccountable reason your letter dated November 16th last has come under my notice only yesterday. I may say that the only unpleasant feature connected with the Beauharnois case, as regards myself, was my not being able to hear your noble address to the jury. But my continuous attendance in court for two months on the Demers and Shortis trials had told severely on my health, and I had to rest.

I have read your address through, as reported in the *Star*, and I must say that you have shaken my belief in some mitigating circumstances which might be found in the mental condition of Shortis. These circumstances, though not relieving him of his responsibility, may limit to a certain degree, and consequently mitigate his sentence.

The verdict is right according to the law, and one that the Crown was in duty bound to obtain from the jury. And such a verdict only could satisfy public opinion. But the law may be wrong in establishing a fixed criterion of insanity, which does not admit of forms or degrees, and to which all cases must frame themselves, whether it suits them or not.

This fact might explain, to a certain extent, the extreme opinions given by the medical men on behalf of the defence. For when a person to whom the criterion of the knowledge of right and wrong cannot apply is insane and irresponsible on account of insanity, there is no other way to have that person granted the benefit of irresponsibility but for the medical man to go to the extremity of making such a person as being completely deprived of reasoning power. The medical man must also act likewise when the mental condition of a man is not such that he should carry the whole responsibility of his acts, as he cannot have his views on a responsibility

so constituted accepted by the courts, according to law. On the other side, when a medical man is convinced that a person, though not normal mentally to a certain degree, should not be exempted from punishment, he has to lean towards sanity, lest the jury's conscience should be disturbed, and guilt therefrom go unpunished. It is my opinion that some facts in such cases may be more properly taken in consideration by the executive than by the jury, as they warrant clemency rather than acquittal.

This latter view has framed my opinion on the course we adopted on the medical evidence in the Shortis case, which course was amply justified by the further developments of the case. Taking Shortis as he now is, with the evidence produced by the crown, and the interviews I had with him, I cannot adjudge him to be an imbecile. Whatever slowness Shortis may have shown in developing his intelligence, whatever may have been the incidents of that development, we find him now sufficiently gifted with intelligence to be above the imbecile, and have a sufficient knowledge of right and wrong.

What strikes me about the mentality of Shortis is that, though the facts of the case have not shown to my entire satisfaction that he was or is insane, they show a certain amount of *desequilibration mentale*, resulting from hereditary degeneracy of the mind, which implies a more or less defective judgment and impaired volition. I think this opinion is justified by the history of his life. His responsibility may be considered to be diminished therefrom, and it might be meted out by a proportional punishment. I may say that I am speaking from a medical, and not from a legal point of view.

As the fact of my not having been called to testify by the Crown has, in some quarters, given rise to doubts that my opinion was favourable to the defence, I wish to state here that, at best, this was the extent to which it was so, which as you may see, is far from establishing irresponsibility.

I think it my duty to inform you that the defence has sought my opinion in the hope that it may help them to obtain from the Executive a commutation of sentence. I have been seen by Mrs. Shortis, and, at her most urgent request, I had a short interview with Mr. Greenshields. I may say that I was deeply moved by the tears of the mother who is run to desperation by the thought that her only son and child will ascend the gallows.

But I am loath to have any direct communication with the defence in this case. If it is in the interest of justice that my opinion should be known, it should be sought for by the proper authorities.

This is the view I take of this subject, and I will inform the defence of it.

Yours respectfully,

GEORGE VILLENEUVE.

MONTREAL, 11th December, 1895.

Honourable

T. CHASE CASGRAIN, Q.C., M.P.P.,
Attorney General,
Quebec, Que.

Queen vs. Shortis.

MY DEAR SIR,—I beg to send you a copy of a letter which I yesterday received from Dr. Villeneuve, the Superintendent of the Asylum of St. Jean de Dieu. He was present at the trial but was not examined. His opinion to me at the trial was that Shortis was neither an idiot nor an imbecile and that the only possible ground for pretending that he was insane was that he might have hallucinations and delusions. His study at the trial was mainly directed as to whether there existed delusions or hallucinations and after the evidence was given he expressed the opinion to me that the symptoms of these were no symptoms at all, and, in fact, his opinion in that respect corresponded exactly with my own, as expressed in my address to the jury. Of course, at first he thought that it was possible Shortis might have de-

lusions or hallucinations. He awaited the developments of the proof of them but found they were unfounded and that is what he means by saying in his letter, my address has removed his doubts as to these. His opinion now appears to be practically limited to whether Shortis had sufficient balance of mind to enable him to control himself. Certainly, natural imbecility or disease of the mind to an extent sufficient to prevent the prisoner from appreciating the nature and quality of his acts and of knowing that the act of murder was wrong, has not been proved. If a criminal is to be excused on the ground of mere weakness of intellect and if the law takes cognizance of the degrees of weakness, independently of the legal tests, then there may be some ground for considering the views expressed by Dr. Villeneuve.

I also beg to forward you a letter which I received from Dr. Clarke, of Kingston, one of the experts called by the defence and my reply to it.

Yours sincerely,

D. MACMASTER.

KINGSTON HOSPITAL FOR INSANE,
November 4, 1895.

D. MACMASTER, Q.C.
The Temple,
St. James Street,
Montreal.

DEAR MR. MACMASTER,—The news of the verdict in the Shortis case gave me a queer turn but I am now at liberty to write to you in a way that was not before possible. I can see that the cause you have followed is the one you believe in, and even if you have been a little hard on the unfortunate experts, we must put that down to the give-and-take to be looked for in warfare. There is an impression in my mind that you have had more faith in the gullibility of the experts than in the insanity of Shortis. For you, Mr. Macmaster, I have nothing but the warmest personal regard, and I entertain the greatest admiration for your ability; at the same time I want to assure you that in the Shortis case I gave my evidence, not from the partisan standpoint, but from the standpoint of conviction. It would have been the same opinion if you had called me. The execution of that boy would be a mistake, in the interests of common humanity, and I am not mistaken when I say that no more marked case of insanity exists in the wards of Rockwood to-day than the same Shortis. I have not lived among the insane for twenty-one years without knowing something of them, and if any one has cause to feel bitterly towards the criminal insane, it is I. My whole life has been saddened by their acts, and yet I believe I know how to appreciate the question of their responsibility much better than any one who has not had opportunity to learn by practical experience. The medical position is no theoretical one, and much as it is divided, it is the one that law must come to eventually.

You seem to think that Shortis is free from delusions and hallucinations. Do not deceive yourself about this. It may be quite true that Shortis has made efforts to escape punishment, even simulated insanity, but nevertheless he is suffering from as well-defined form of mental trouble, as easy to diagnose as typhoid fever. Surely you will give men like Bucke, Clark, Anglin and myself credit for being possessed of ordinary intelligence and ability, and able to diagnose that which we see every day of our lives; it is true that in some cases there may be reasonable doubt—in this there is none.

I have learned to regard you as a big-hearted man, full of sympathy and gentle instincts, and I shall be much mistaken if, now after the victory of a verdict has been won, you will not be one of the first to help prevent a judicial murder that would only add one more horror to the dreadful tragedy already enacted. As far as Shortis himself is concerned, it matters not the toss of a copper, as he is a creature devoid of every moral attribute; for his poor father and mother it does matter.

Canada has long ago earned the reputation of being the most heartless country in the world, where the criminal insane are concerned, and she deserves it. Wo

make the boast that the insanity dodge cannot be played upon us, for we hang insane and maligners alike. It is a boast we should not be proud of.

Perhaps my letter seems too warm, but I feel that I know you well enough to understand and appreciate the fact that it is my respect for you inspires me to make the appeal to do your best to have the mistake avoided. If Shortis is locked up for life, the interests of justice will have been satisfied even from the legal standpoint, and you will have the consolation of knowing that the possibility of having made a dreadful mistake has been avoided. Your task was a gruesome one at best, and I have no doubt disagreeable in the extreme, but if you performed it, as I honestly believe you did, from a stern sense of duty, there was satisfaction in the victory.

Now that I have unburdened myself, I shall feel more content, as the matter is one on which I feel strongly.

This letter is of course merely a personal matter, and quite voluntary; in fact known of by no one but my wife, who, by the way, sides with your view of the case altogether. If you knew how these things upset me, you might easily call me a crank, but if you had lived among the insane as long as I have, and realized how little the general public understands the case, your sympathy would go out, even more than it does now, to the most unfortunate class in the community.

Yours sincerely,

C. K. CLARKE.

MONTREAL, 7th December, 1895.

C. K. CLARKE, Esq., M.D., Rockwood Asylum, Kingston, Ont.

MY DEAR CLARKE,—I have thought very carefully over the letter which you wrote me in reference to the conviction of Shortis, and the position as far as I am concerned, is this: my duty was ended when the verdict was rendered and the sentence pronounced. The whole responsibility after that rested with the Minister of Justice. I did not represent the Minister of Justice at the trial. I represented the provincial authorities—the Crown—of which the Attorney General of the province of Quebec is the chief officer. I could not well volunteer any opinion to the Minister of Justice, and, besides that, the Minister of Justice has not asked me for my opinion. If he did, I would have had no objection whatever to call his attention to the medical evidence in the case, though I do not imagine he requires prompting in that respect. I would do this mainly out of regard for yourself and Dr. Clark of Toronto, but chiefly on account of my personal regard for yourself.

One very serious difficulty confronts me, namely, that I am perfectly convinced that Shortis, on the 1st March, knew the nature and quality of the act he was doing, and that he knew it was wrong and punishable by law; further, that there was premeditation, design and motive for the commission of the act. That being so, how could I very well interfere? I must take the standards provided by law, and I put these standards fairly before the jury in the opening and at the closing, and the official reports of my remarks will show that. It was a matter entirely for the appreciation of evidence by the jury. The direction of the judge to the jury was right; counsel for the defence have taken no exception to it, and unless I am to undertake to say that the legal standards are wrong, I do not see that I have any standing ground in criticising the verdict.

Of course, from a medical point of view, it may be argued that the legal tests are not sufficient. This is a matter for academic discussion, and it may or may not result in an improvement of the law. With the law as it is, I think the verdict is right, and it is for the Minister of Justice to say whether it should be followed by its legal consequences.

There is another thing about which I am thoroughly convinced, and as you have written to me so friendly, you will not take it amiss if I call your attention to it, namely, that I think the doctors had not the full facts before them when they

first gave their opinions. They appeared to me to have assumed certain facts, as the basis for their opinions, that were non-existent, and their opinions are therefore impaired by reason of the defective foundation upon which they were rendered. This, however, is only a matter of opinion, and I may be right or I may be wrong with regard to it. I see that Dr. Maudsley suggests that the doctors and lawyers should get together for the purpose of mutual and friendly discussion, to see whether a better test of crime in insanity cases cannot be provided. I see no objection to that, and if it should come about that a different standard is adopted, I will loyally conform myself to it. In the meantime, I must conform to the standards the laws of my country prescribe. If those standards are wrong, it is because our legislators have not been convinced by the arguments of the advocates of the new standard. It must be distinctly understood that I have no feeling at all in the matter, and never had any object except to do my duty and my whole duty.

How I can implement that duty now, in view of the foregoing statement, it is difficult for me to see. I would just say to you, *en passant*, that several people have remarked to me since the trial that the verdict is exactly what the general public would have rendered, and I find that it is almost universally approved.

In addressing the jury, I did not conceal from them my own high opinion of your great abilities, and eminent standing in the profession, and it is a matter of regret that I am not able to agree with you in regard to the legal responsibility of Shortis. It is some satisfaction, however, to know that this is the first subject upon which we have ever disagreed.

Hoping it will be the last, and that I shall always have the privilege of resorting to your great skill and also of maintaining your valued friendship.

I am, my dear Clarke,
Very sincerely yours,

D. MACMASTER.

MONTREAL, 13th December, 1895.

To the Honourable Sir CHARLES HIBBERT TUPPER, K.C.M.G.,
Minister of Justice, Ottawa, Ont.

In re the Queen vs. V. F. C. Shortis.

HONOURED SIR,—Venturing to carry the spirit of an *amicus curiæ* beyond the verdict, I venture to say:

1. That, in the opinion of many, Shortis was tried in a district in which prejudice prevented a fair trial.

2. As the judge instructs the jury regarding the law (which every one is presumed to know) they should take instructions from scientists concerning matters of which they are not presumed to know anything, but of which the doctors have made a life study.

3. The scientists, whose positive statements have been set at naught by an ignorant jury, are those upon whose opinions learned judges habitually act when restraining individuals from administering their own properties and from walking about the streets, because they are deemed dangerous to themselves, their families or to the community.

4. The Government acts for a community of whom a respectable number doubt whether the prisoner is responsible for his acts; and this doubt will grow, in time, into the conviction that a judicial murder has taken place.

5. The act itself appears like the act of a madman, though accompanied with some evidence of such cunning as is characteristic of insane persons.

6. The jury substituted their reason for the doctors' science; but reason, without special experience, is a poor guide to the actions of those who, having lost their reason, act unreasoningly.

7. Had this singular being killed himself, a jury would have promptly said it was due to temporary madness—why not a like verdict in this case?

8. Had Mr. and Mrs. Shortis been the parents of other children, they would have seen, by comparison, that he was insane and would have kept him at home. He was doubtless afraid of his father and concealed his nature from him. The late Chief Justice Redfield, author of "Redfield on Wills," and other works, told the undersigned that, by simple will-power, he was able to keep his insane wife in check, when another person would have sent her to an asylum.

9. The law ought to compel juries to heed scientists. In default of this, the only evidence which learned gentlemen regarded as important has been, by a relatively ignorant jury, utterly despised and disregarded.

Trusting that you will pardon so long a letter in a matter in which I have received no fee.

I have the honour to be
Your obedient servant,
F. W. TERRILL.

To His Excellency the Earl of Aberdeen, Governor General, Ottawa, Canada.

The petition of the undersigned guardians of the poor of the Clogheen Union, County Tipperary, humbly sheweth:

That your petitioners have heard with extreme regret that the sentence of death has been passed on a young man named Valentine Francis Cuthbert Shortis, a native of Waterford, such sentence to take effect on the first week of January next.

That your memorialists have heard, and fully believe that the said Valentine Francis Cuthbert Shortis has been of weak intellect from his youth upwards, and could hardly be held responsible for his acts.

That such being the case, we would most respectfully beg Your Excellency to use your mercy and clemency towards the unfortunate young man by commuting the death sentence to such other punishment as you, in your wisdom, may deem sufficient.

And your petitioners, as in duty bound, will ever pray.
Signed on behalf of the above named guardians.

PATRICK O'DONNELL, *Chairman.*
MICHAEL F. ROSS LONERGAN, *Clerk of Union.*

The Right Honourable J. Chamberlain to the Earl of Aberdeen.

DOWNING STREET, 28th November, 1895.

The Governor General,
The Right Honourable
The EARL OF ABERDEEN, P.C., G.C.M.G.
&c., &c., &c.

MY LORD,—I have the honour to transmit to you for your consideration, the accompanying copy of a letter from Sir A. B. Forwood, Bart., M.P., forwarding a petition addressed to Your Lordship by certain persons residing in or near the city of Liverpool, in which they pray for a commutation of the sentence passed upon Valentine Francis Cuthbert Shortis, recently convicted of murder at Beauharnois, in the province of Quebec.

I have, &c.,
J. CHAMBERLAIN.

Privy Council.
Referred to the Minister of Justice.
J. J. MCGEE,
14th December, 1895.

3 CROSBY SQUARE, LONDON, E. C.,
27th November, 1895.

The Right Honourable
JOSEPH CHAMBERLAIN,
&c., &c., &c.

DEAR SIR,—I am desired by several respectable and influential constituents of mine to forward to you the inclosed memorial addressed to the Right Honourable the Earl of Aberdeen, praying for a commutation of the sentence passed upon a man of the name of Valentine Francis Cuthbert Shortis, and I beg respectfully to ask that you will be good enough to forward it to its destination.

I am, &c.,

A. B. FORWOOD.

Memorial from the City of Liverpool.

25th day of November, 1895.

To His Excellency the Right Honourable the Earl of Aberdeen, Governor of Canada.

The memorial of the undersigned persons residing in or near the city of Liverpool, sheweth :

That Valentine Francis Cuthbert Shortis, who has been recently convicted and sentenced to death at Beauharnois, in the province of Quebec, for a double murder committed by him at Valleyfield, is a native of the city of Waterford, Ireland, and at the time of the murder was only twenty years of age.

That Valentine Francis Cuthbert Shortis for many years previous to his leaving Waterford, conducted himself in an extraordinary and foolish manner, and was reputed to be of unsound mind. That many members of his family have been insane and have been confined in lunatic asylums, insanity in the family having been transmitted through several generations.

That your memorialists, from repute, regarding the mental condition of Valentine Francis Cuthbert Shortis, believe that he was not accountable for his actions.

That the murder would naturally excite great indignation in the district in which it was committed, and your memorialists submit that the circumstances attending the murder would so operate on the minds of the jury as to prevent their giving full weight to the evidence in support of the defence of insanity.

That your memorialists, submit that, although the jury did not adopt the views held by your memorialists still that the evidence given *viva voce*, on the trial, and the depositions taken on commission in Ireland, were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of the murder.

Your memorialists therefore humbly pray :

That it may please your Excellency to direct that the sentence of death passed on Valentine Francis Cuthbert Shortis may be commuted, and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that, if your Excellency should entertain any doubt as to the justice of the dread sentence, your Excellency may be pleased mercifully to give the benefit of that doubt in favour of this memorial, for a commutation of the sentence of death.

And your memorialists will ever pray.

THOS. H. ISMAY, J.P., D.L., Liverpool.

R. G. ALLAN, do

THOS. HOLDER, J.P.

and 127 others.

Irish Cattle Traders' and Stockowners' Association.

DUBLIN, November 30, 1895,

MAY IT PLEASE YOUR EXCELLENCY,—I have the honour to forward to you the following resolution, which was unanimously passed on the 28th instant, at a meeting of the Committee of the Winter Show of Fat Stock, &c., to be held at Ball's Bridge on the 12th and 13th prox.:

"That His Excellency Lord Aberdeen be asked to exercised his prerogative of mercy and reprieve young Shortis, the committee being unanimously of opinion that an inquiry would prove him to have been insane and unaccountable for his actions."

The members of the committee who were present at that meeting were:—

Mr. William Field, M.P., President of the Irish Cattle Traders' and Stockowners' Association, in the chair, also: Messrs. S. Mangan, H.M.L., County Meath; James Talbot Power, D.L., President of the Rathdown Agricultural Society; E. Selater, D.L.; R. G. Nash, J.P.; W. P. Radcliff, J.P.; J. Hannon, J.P.; Patrick Leonard, J.P.; C. Grimes, T.C.; J. Hatch, T.C.; E. Robinson, P.L.G.; Hon. Secretary of the Rathdown Agricultural Society; J. Rooth, Douglas, Isle of Man; J. Robertson, junior; G. J. Keogh; Professor Carroll, Agricultural Model School, Glasnevin; S. Carter, Oldham, Lancashire; J. Curtis, Vice-President of the Irish Cattle Traders' and Stockowners' Association; W. P. Delaney, Hon. Treasurer of the Winter Show Fund, and Hon. Treasurer Dublin Victuallers' Association; R. Smith, J.P.; Patrick Greaves, President of Dublin Victuallers' Association and Vice-President of National Federation of Meat Traders; Frank Smith.

From the experience gained by Your Excellency during your vice-royalty in Ireland, it must be at once apparent that these names represent leading men of all sections of Irish politics, besides two Englishmen from Douglas and Oldham.

They have cordially agreed to urge on Your Excellency the exercise of this act of clemency which is your vice-royal prerogative.

May I respectfully add that, as so many of these gentlemen are themselves magistrates, it can hardly be supposed that they wish to interfere with the proper administration of justice, the reason why they all so cordially assented to the above resolution being that young Shortis was notoriously afflicted with mental aberration for a long time, before his unhappy father, acting on advice, sent him out to Canada in the hope that change of scene and novelty of occupation would restore him to his senses.

I have the honour to be
Your Excellency's obedient servant,

His Excellency
THE EARL OF ABERDEEN,
Ottawa, Canada.

THOMAS SHERLOCK,
Secretary.

Province of Quebec,
District of Beauharnois.

Court of Queen's Bench.

The Queen vs. Valentine Francis Cuthbert Shortis.

We, the undersigned, Henri C. St. Pierre, George G. Foster and James N. Greenshields, being duly sworn upon the Holy Evangelists, do depose and say:—

That we were and are the counsel retained for the defence of Valentine Francis C. Shortis, accused of murder, and defended him at the trial had in the district of Beauharnois, on the first day of October last.

That we have been the only counsel who have had charge of the case from its inception in March last till now.

That immediately after the commission of the offence, and so soon as we had communication with the prisoner, we were then, and are still, of the opinion that he was and is insane, and all the facts developed during the said trial and since have but strengthened our original opinion as to his mental condition.

That in the preparation of the defence we were unable to obtain from him a single suggestion, idea, or the name of any witness that could in any possible way assist us in pressing his case before the court.

That from the day following the commission of the crime till now, he has been utterly indifferent as to the consequences of the trial, and has taken no interest whatever in the labours of his counsel, nor as to the result of his case.

That he could not and did not give us any information upon which we could obtain evidence in Ireland or in Canada, and all the information upon which we obtained evidence in Ireland was procured by friends there, and communicated to us through his, the prisoner's, father's counsel.

That in all our experience in criminal trials, extending over a great many years, we have never seen a criminal trial had in this country where the jury in the case were prejudiced to such a degree as were the jury in this case.

That every attempt possible to obtain a change of venue was made and refused, although the circumstances surrounding the case were sufficient to justify a change of venue, but an application to that effect was refused, although supported by over 50 affidavits of respectable citizens of the district of Beauharnois, who swore that, in their opinion, a fair and impartial trial could not be had.

That the facts alleged in the petition we have this day presented to Your Excellency are true, each and every of them,

And we have signed,

H. C. SAINT PIERRE,
J. N. GREENSHIELDS,
GEO. G. FOSTER.

Sworn, taken and acknowledged before me, at the city of Montreal, this 13th day of December, 1895.

B. SHEPHERD,
Commissioner, &c., District of Montreal.

To His Excellency the Right Honourable Sir John Campbell Hamilton Gordon, Earl of Aberdeen, P.C., LL.D., Viscount Formartine, Barron Haddo, Methlic, Tarves and Kellie, Viscount Gordon of Aberdeen, Baronet of Nova Scotia.

The humble petition of your petitioners represent :

That your petitioners were retained for the defence of Valentine F. C. Shortis, accused of murder and tried and convicted of such crime and who now stands sentenced to be hanged on the 3rd day of January next, at Beauharnois, in the province of Quebec.

That the defence offered to the said charge was a plea of insanity.

That your petitioners, recognizing at once that the public mind was violently prejudiced in the district of Beauharnois against the prisoner, and that in their opinion a fair and impartial trial could not be had in that district, applied for a change of venue to another district in order that justice might be had.

That the said application was rejected, although supported by over fifty affidavits of prominent citizens in the said district who swore that a fair and impartial trial could not be had.

That the entire panel of jurors on examination admitted, and even the twelve jurors sworn to try the case admitted that they had strongly settled opinions as to the guilt of the prisoner, and those jurors rejected from the panel were so rejected because they swore that no evidence could change their opinion, whilst the twelve who tried the case swore that, although they had already formed an opinion as to the guilt of the prisoner, at the same time they thought if sufficient evidence was put before them as to the insanity of the prisoner, that they would give it due and proper weight, and on such declaration they were admitted.

That twelve jurors could not be found in the entire panel and a *venire de novo* had to be ordered by the court in order to obtain twelve jurors.

The public prejudice and opinion ran very high against the prisoner throughout the entire trial.

That the defence offered in evidence medical testimony of the leading specialists of the Dominion who unqualifiedly swore before the jury that in their opinion the prisoner was at the time of the commission of the offence, and is now labouring under natural imbecility and disease of the mind to such an extent as rendered him then and now incapable of appreciating the nature or quality of an act, and knowing that such act was wrong, and was, at the time of the commission of the offence, in a state of unconsciousness and disease of mind by which a free determination of his will was excluded and was in a state of madness and was insane.

That in our opinion the jury attached no importance at all to the medical testimony, to which medical testimony your petitioners respectfully call your Excellency's attention.

That no attempt was made by the Crown to contradict the medical evidence adduced on the part of the defence.

That in the event of your Excellency having any doubt as to the sanity or insanity of the prisoner, your petitioners would respectfully ask that your Excellency do request a special report upon the facts herein alleged from the learned judge, the Honourable Mr. Justice Mathieu, who presided at the trial.

That in the opinion of your petitioners, Valentine Francis Cuthbert Shortis was not responsible for his acts on the 1st of March last and was at the time and is now insane.

That your petitioners respectfully refer your Excellency to the medical evidence and should the same not be sufficient to satisfy your Excellency's mind as to the insanity of the prisoner, that your Excellency may be pleased to exercise the royal prerogative and order a medical commission to be appointed to examine and report upon the sanity or insanity of the prisoner Valentine F. C. Shortis, and that pending the labours of the said commission, a reprieve be granted for such delay as may be necessary.

Wherefore your petitioners humbly pray that your Excellency, in the exercise of the royal prerogative may be pleased to commute the sentence of death against Valentine Francis Cuthbert Shortis to imprisonment for life, and that should your Excellency not be satisfied with the evidence now in the record, that you may be pleased to appoint a medical commission to examine and report upon the mental condition of the prisoner and pending the labours of such commission, that the prisoner may be reprieved.

And your petitioners as in duty bound will ever pray.

H. C. SAINT PIERRE,
J. N. GREENSHIELDS,
GEO. G. FOSTER.

BOARD ROOM, CASHEL UNION,
7th December, 1895.

To His Excellency
LORD ABERDEEN,
Governor General of Canada.

YOUR EXCELLENCY,—I have the honour to transmit to your Excellency by direction of the Board of Guardians of this Union the accompanying memorial of the board unanimously adopted after due notice, at the guardians' meeting on the 28th ultimo.

I have the honour to remain,
Your Excellency's obedient servant,
WM. PHELAN,
Clerk of Union.

Privy Council.
Referred to the Minister of Justice,
J. J. MCGEE,
16th December, 1895.

To His Excellency Earl Aberdeen, Governor General of Canada.

The memorial of the Guardians of the Poor of the Cashel Poor Law Union in the county of Tipperary, Ireland.

MAY IT PLEASE YOUR EXCELLENCY: We the guardians of the Cashel Poor Law Union most humbly pray that your Excellency may be pleased to order a commutation of the death sentence passed on Valentine Francis Cuthbert Shortis, a native of Waterford, and only twenty years of age, at Beauharnois, in the province of Quebec, for a double murder committed by him at Valleyfield.

Firstly.—Insanity has existed for generations in his family, his uncle died a few years ago in a lunatic asylum and other near relatives have been confined in similar institutions.

Secondly.—Having always been an abstainer from intoxicating liquors before leaving Ireland, his extraordinary conduct at fairs and public places was attributed to weakness of intellect and in many instances was looked upon as presenting symptoms of insanity.

Thirdly.—A strong feeling of indignation must have existed in the locality against the committal of so serious a crime by a stranger and must naturally have operated on the minds of the jury in considering the case.

In fine, we beseech that your Excellency in the exercise of your merciful and impartial judgment will give to this young fellow the benefit of any doubt that may exist in your mind as to his sanity and commute the death sentence.

And your memorialists will ever pray.

JAMES WALSH, *Chairman.*

MICHAEL RYAN, *D. V. C.*

THOMAS PRICE, *Guardian, and 19 others.*

MONTREAL, 9th December.

TO SIR CHARLES H. TUPPER.

DEAR SIR,—Pardon me if I have been forward in addressing you, but in the case of Valentine Shortis, what if he has been put upon in a way to raise the madman in him by being interfered with, in being deprived of his work, or a recommend being withheld, depriving him of an opportunity of residing near the object of his affection, the Anderson girl. I do not say this as an excuse for what he has done, but as an object to excite his wild feelings. I do not know him, I have never seen him, or have I been in that vicinity since he came there. But Superintendent Simpson, of the Cotton Mills of Valleyfield, I know who he is well; I tried to work for him the first year he came to Valleyfield; a more unfeeling brute I never tried to serve. Shortis, going around with his revolver, was never so much of a terror among the people than what he used to be to the poor people who were trying to earn a living on the work he was appointed overseer. When he would come in there half full of liquor he would spare no one, discharging the people who worked in peace there for years. There was no way to avoid his ill will; but I do not refer to poor workers or bad people, but to good workers. But, sir, it is of my own experience with him that I wish to speak. I had six looms allowed me from Superintendent Willson, predecessor to Mr. Simpson. Things went on very well with me till Simpson came along, then there came a change; everybody had to hurry, me especially. I had been weaving, previous to that time in the town of Lowell, Mass., ten years; had taken three recommends on different work where my superintendents were kind and considerate in dealing. For Simpson I could not do enough. I worked till I sprained my chest; one side is slipped out of place, an injury that cannot be repaired, a hurt that will remain with me all the days of my life. Old Simpson was the cause of that; it was a lift taken while on his work, hurrying, to please his crazy whims. Then I did not know it had hurt me so much, or did I

speak of it at the time the brute took my work from me, and I had to go among strangers to earn my living with that injury on me. The morning he put another hand on my work, I went to Mr. Peltier, Priest of the Church at Valleyfield, who frequently used to go to the mill office as mediator for the people, or write and settle little things, avoiding miserable consequences, with former superintendents. When I went to him he wrote quite a long letter to him, gave it to me, and told me to carry it to Mr. Simpson and await a reply. I waited two hours in that same office where that tragedy occurred, but Simpson, ungentlemanly that he is, me, or the Reverend gentleman's letter he never noticed. That is four years ago, the letter is unanswered yet—I think if it was a bill to hang me I would have got a reply ere now. The sprain on my chest I have shown to some of the best doctors in this part of the country; one of them is Dr. Bergin, of Cornwall, Ont., (he used to be member for that place); none of them could help me. In the name of God, and that trouble I will forever have to bear, I ask of you, honourable people of Ottawa, to spare the life of Shortis, of Valentine Shortis; the hanging of him will be the killing of his mother. Where is the use of taking more lives? Send him to a penitentiary for life, or a crazy house; if there is anything sane about him he may repent ere death. It seems he is not very healthy. I am sorry I did not see the trial in full, or get the reading of it, or know more about it. I read the tragedy; it was dreadful; he must be crazy, mad, fool! Poor boy! What I tell you concerning myself is truth. I have proof for every word. There are those who saw me when hurt. I haven't been able to weave since.

I remain yours respectfully,

MARY P. QUINN,

72 S. Mathiew St.,

Montreal.

I believe Simpson is to blame. I feel sure he is a great deal to blame for that trouble by his hot, impetuous and bad temper. He might be kindly to the poor lone lad. I know how harsh he is, that is why I speak. I know how he treated me and others. When he got down on him he was no better.

Dear sir, mercy for the boy and his poor parents.

Yours truthfully,

MARY P. QUINN,

Victim of Simpson's harshness.

To the Honourable the Minister of Justice for the Dominion of Canada.

The memorial of the Town Commissioners of Tipperary in Ireland, sheweth:

That Valentine Francis Cuthbert Shortis, who has been recently convicted and sentenced to death at Beauharnois, in the province of Quebec, for a double murder committed by him at Valleyfield, is a native of the city of Waterford, and at the time of the murder was only 20 years of age.

That Valentine Francis Cuthbert Shortis, for many years previous to his leaving Waterford, conducted himself in an extraordinary and foolish manner, and was reputed to be of unsound mind. That many members of his family have been insane, and have been confined in lunatic asylums, insanity in the family having been transmitted through several generations.

That your memorialists, from their own observation and from common repute regarding the mental condition of Valentine Francis Cuthbert Shortis, believe that he was not accountable for his actions.

That the murder would naturally excite great indignation and prejudice in the district in which it was committed, and your memorialists fear that the circum-

stances attending the murder might so operate on the minds of the jury as to prevent their giving full weight to the evidence in support of the defence of insanity.

That your memorialists submit, although the jury did not adopt the views held by your memorialists, still that the evidence given *viva voce* on the trial, and the depositions taken on commission in Ireland, were sufficiently strong to establish such a case of weakness of intellect in the condemned youth as to render him morally irresponsible for his actions at the time of the murder.

Your memorialists, therefore, pray:

That you may be pleased to direct that the sentence of death passed upon Valentine Francis Cuthbert Shortis may be commuted, and that he may be ordered to be confined in an asylum for the insane, your memorialists praying that if you should entertain any doubt as to the justice of the dread sentence, you may be pleased mercifully to give the benefit of that doubt in favour of this memorial for a commutation of the sentence of death.

Signed on behalf of the said Town Commissioners of Tipperary this fifth day of December, 1895.

J. F. O'REGAN, N.R., C.P. and S.E., Chairman.
JOSEPH DAWSON, Town Clerk.

MONTREAL, 17th December, 1895.

Hon. Sir CHARLES HIBBERT TUPPER, K.C.M.G.,
Minister of Justice and Attorney General,
Ottawa, Ont.

DEAR SIR,—As you are aware a petition has been presented to the Governor General in Council asking that the sentence of death pronounced against Valentine Shortis be commuted to imprisonment for life, upon the ground of his insanity,

We desire in this letter to call your attention to the particular grounds on which we base our hope of success.

First, with regard to heredity. There is ample evidence in the record to show that the prisoner was predisposed to be insane and that from his birth his acts indicated a continuous growth of the disease.

Second, the deed itself, with all the circumstances that surround it, point to its being the work of a madman and a madman alone.

Third, there was no motive for the crime because the record discloses the fact that the prisoner is an only child, his father being worth a quarter of a million dollars, and he would only have been too glad to have seen him "settle down" and marry Miss Anderson (or any one else) and would have amply provided for all his wants, as he had always done in the past.

Fourth, the record contains for the defence the depositions of *four of the leading doctors in Canada* all of whom have sworn that the prisoner was insane on the first of March, is insane now, and is hopelessly and permanently insane.

Fifth, we claim that the fact that we had to exhaust a panel of jurors, and only succeeded in getting twelve after the second panel of sixteen had been examined is evidence of the feeling of prejudice in the district that prevented him getting the fair trial that British justice demands that he should have.

Sixth, we would respectfully ask you before coming to a conclusion to obtain (if necessary) the opinion of the judge who tried the case as to whether he considers the extreme penalty should be inflicted.

We would call your attention to the fact that the *Crown produced no medical evidence to rebut that of the defence*. The record also contains the sworn affidavit made since the trial of the four doctors for the defence and of the undersigned, his attorneys, who state that in their opinion the prisoner was mad when the act was committed and is mad to-day.

Dr. Villeneuve who was retained by the Crown and remained in court during all the trial was not put in the box, and we are informed that he considers Shortis to have been irresponsible for the crime with which he is charged.

We respectfully submit that the petition for the commutation of the sentence of Shortis should be granted, and remain,

Your obedient servants,

H. C. SAINT PIERRE
J. N. GREENSHIELDS
GEO. G. FOSTER.

MONTREAL, 17th December, 1895.

HON. SIR MACKENZIE BOWELL, K.C.M.G.,
Premier,
Ottawa, Ont.

DEAR SIR,—As you are aware a petition has been presented to the Governor General in Council asking that the sentence of death pronounced against Valentine Shortis be commuted to imprisonment for life, upon the ground of his insanity.

We desire in this letter to call your attention to the particular grounds on which we base our hope of success.

First. With regard to heredity. There is ample evidence in the record to show that the prisoner was predisposed to be insane, and that from his birth his acts indicated a continuous growth of the disease.

Second. The deed itself, with all the circumstances that surround it, point to its being the work of a mad man, and a mad man alone.

Third. There was no motive for the crime, because the record discloses the fact that the prisoner is an only child, his father being worth a quarter of a million dollars, and he would only have been too glad to have seen him "settle down" and marry Miss Anderson (or anyone else), and would have amply provided for all his wants, as he had always done in the past.

Fourth. The record contains for the defence the depositions of four of the leading doctors of Canada, all of whom have sworn that the prisoner was insane on the first of March, is insane now, and is hopelessly and permanently insane.

Fifth. We claim that the fact that we had to exhaust a panel of jurors, and only succeeded in getting twelve after the second panel of sixteen had been examined, is evidence of the feeling of prejudice in the district that prevented him getting the fair trial that British justice demands that he should have.

Sixth. We would respectfully ask you before coming to a conclusion to obtain (if necessary) the opinion of the judge who tried the case as to whether he considers the extreme penalty should be inflicted.

We would call your attention to the fact that the Crown produced no medical evidence to rebut that of the defence. The record also contains the sworn affidavit made since the trial of the four doctors for the defence, and of the undersigned, his attorneys, who state that in their opinion the prisoner was mad when the act was committed and is mad to-day.

Dr. Villeneuve, who was retained by the Crown, and remained in court during all the trial, was not put in the box, and we are informed that he considers Shortis to have been irresponsible for the crime with which he is charged.

We respectfully submit that the petition for the commutation of the sentence of Shortis should be granted, and remain

Your obedient servants,

H. C. SAINT PIERRE,
J. N. GREENSHIELDS,
GEO. G. FOSTER.

MONTREAL, 18th December, 1895.

The Honourable
Sir CHARLES HIBBERT TUPPER, K.C.M.G.,
Minister of Justice,
Ottawa.

MY DEAR SIR CHARLES,—In view of the interest taken in the Shortis case, and the diversity of opinion as to his state of mind and responsibility, I would suggest that you ask the Crown prosecutor, Mr. Donald Macmaster, Q.C., for his opinion.

He, of course, was present during the whole of the trial, and if appealed to, I should fancy would be able to give an opinion of some value.

Faithfully yours,

W. B. IVES.

19th December, 1895.

The Honourable
W. B. IVES,
Minister of Trade and Commerce.

MY DEAR IVES,—I have your letter of yesterday's date suggesting that Mr. Donald Macmaster, Q.C., be asked for his opinion in regard to the Shortis case. I have done so by wire to-day.

Yours faithfully,

CHARLES HIBBERT TUPPER.

PEPPARDSTOWN, Fethard, Tip. (Ireland) 6th Dec., 1895.

The Honourable
Sir HIBBERT TUPPER, K.C.M.G.,
Minister of Justice,
Ottawa.

DEAR SIR HIBBERT TUPPER,—You may remember that we crossed over to Canada on the "Parisian" in August, 1893, together, and that I was one of the agricultural delegates to report on the farming prospects in the Dominion. What I wish to write you now about is a dreadful case of a young fellow most respectably connected who has been convicted of a most dreadful murder and has been sentenced for execution on the 3rd of January. The young fellow's people lived in this immediate neighbourhood and were highly respected, but long before the young fellow was even heard of his people were known not to be of the soundest mind. I can quite remember his uncle being tied down in a cart and conveyed in that manner to the District Asylum in Clonmel, and I may add that before the murder when the lad was in Waterford, I was told he was not in his right mind. I should be sorry to think that the Canadian people would be led astray by any statements that are not absolutely correct, but I fear the murder was such a bad one that their feelings are not calm and cool enough to inquire into the question of sanity, for after all if the crime was far more and if the man was not answerable for his actions why should he be executed? I write to you begging that you would have the great mercy to recommend his Excellency the Governor to commute his sentence.

Dear Sir Hibbert Tupper,

Sincerely yours,

JEROME J. GUIRY.

23rd December, 1895.

JEROME J. GUIRY, Esq.,
Peppardstown, Fethard, Tip.,
Ireland.

MY DEAR MR. GUIRY,—Your letter of the 6th inst. in regard to the Shortis case has duly reached me. In reply, I beg to assure you that your representations

will have most careful consideration before His Excellency is advised either as to the law being allowed to take its course, or as to commutation of the sentence.

With kind regards, believe me, dear Mr. Guiry,
Yours faithfully,

CHARLES HIBBERT TUPPER.

MONTREAL, 23rd December, 1895.

The Honourable
Sir CHARLES HIBBERT TUPPER, K. C. M. G.,
Minister of Justice, Ottawa, Ont.

The Queen vs. Shortis.

MY DEAR SIR,—I have just this moment received your telegram stating that my report should be in Ottawa to-morrow morning without fail.

As prosecuting counsel, I have really no report to make. I imagine the judge has been called upon to make a report and that he has done so. That is his function.

As your telegram, however, implies that you expect me to make some report, I will do so, though it must, necessarily, be imperfect, as I did not receive your telegram until four o'clock this afternoon.

I suppose the main question is, should the sentence of the court be executed? Upon that, of course, you are the supreme judge and the responsibility must rest with you. I know you are not afraid of responsibility and I am quite sure that you will endeavour to come to a correct conclusion.

In regard to the trial, it cannot be doubted that it was absolutely fair. Every-one of the 12 jurors was challenged for cause and was not accepted until found acceptable to the counsel for the defence. In many cases, when it appeared that other jurors called were biased, the Crown admitted the challenge. The jurors were exceptionally intelligent and I cannot conscientiously say that any of them appeared to be swayed by prejudice. Of course, it is natural that in the district there should be more or less abhorrence of the crime committed, but that is a totally different matter from prejudice against the prisoner, and this distinction is well made by Chief Justice Denman in the case of King against Holden, 5 Barnwell & Adolphus, 347.

In the second place, the charge was absolutely impartial. No exception was taken to it by the defence and there is no exception to any ruling of the trial judge.

In the third place, there is no application to the Court of Appeals for a new trial on the ground that "the verdict was against the weight of evidence" under the provisions of Article 747 of the Criminal Code.

The only question, therefore, is, whether you, as Minister of Justice, "entertain a doubt whether the prisoner ought to have been convicted" in which case you may advise Her Majesty, "to remit or commute the sentence, after such inquiry as you think proper."

Regarding your request as an inquiry addressed to myself, I have only to add in addition to the foregoing observations, that assuming, as it must be assumed, that the judge correctly charged the jury, about which there can be no doubt—the main question is, ought the prisoner to have been convicted upon the evidence? Was he insane within the legal definition of insanity? Did he know what he was about? Did he know the nature and quality of the act he was doing and did he know that it was wrong and punishable by law of the land?

Upon these points, I can add nothing to what I said in my address to the jury.

The appreciation of the evidence was the special function of the jury. Under the tests provided by law, it appears to me that the jury came to a correct conclusion. Four doctors said that they believed the prisoner was an imbecile and was insane and that he did not appreciate the nature of his acts on the 1st of March, the date of the tragedy. But how can any human being say that? I believe that they strained their evidence in order to make their views conform with *what they thought*

the law ought to be, not what the law is. As against their opinion, there is the distinguished authority of Dr. Maudsley, whom they all acknowledged as the greatest authority on the subject, that "no person however acute can dive into the depths of another person's mind and know what he does not know himself, how far his consciousness of right and wrong is vitiated on a particular occasion." (See pamphlet 133). And there is the distinct evidence of Dr. Garner, a distinguished medical man called for the defence, that the presence of a motive in the form of a large sum of money, in the circumstances existing in this case, would go to rebut the idea that the crime originated from insanity. (Pamphlet 131).

Again, it must be remembered that the medical definition of insanity is quite different from the legal definition. For under the legal definition, insanity includes natural imbecility and disease of the mind, whereas, under the medical definition, insanity does not include imbecility or idiocy.

In the present instance, the doctors stated that the prisoner was both imbecile and insane. Imbecile he certainly was not, according to the evidence and according to the highest legal (see telegram) authority, within the definitions of natural imbecility contained in the books of law.

His insanity, treating insanity from the medical point of view, turned upon the existence or non-existence of certain symptoms. The symptoms given by the doctors were completely pulverized in the course of cross-examination.

The only question that has embarrassed me with regard to the mental condition of the prisoner, is as to whether he possessed sufficient mental control to restrain himself from the commission of rash and wicked acts? The lack of control is intimately connected with heredity, and there can be no doubt that the grandfather (on the father's side) of the prisoner, died from softening of the brain, developed, however, about 32 years after the prisoner's father's birth and when the prisoner himself was about four years old. There is evidence, too, of epilepsy in some of the collateral relations. But it cannot be said that this taint affected the blood flowing in the prisoner's veins.

I need hardly say to you that up to this time the existence of insanity in one's relatives is not a ground for an excuse for the commission of crime, if the criminal knew what he was about at the time he committed the crime.

That point is well discussed in Regina against Burton, 3 Foster & Finlayson, page 780 (see pamphlet 175).

If it was not for the presence of motive for the commission of the crime, I would be inclined to say that the prisoner's mind must, at all events on the particular occasion, have been unbalanced to an extent sufficient to affect his power of self-control. But a large sum of money being present on the scene and a previous suggestion that the mill could be easily robbed, combined with the design in the execution of the crime, are powerful factors that it is difficult to disregard.

I must also call your attention to the fact that the prisoner first fired at young Wilson, who might most conveniently escape, though as a matter of fact, Loye, who was killed by the second shot, had a revolver in his pocket. It does not appear, however, that the prisoner knew that Loye had a revolver, though if he did, one would naturally suppose that he would first dispose of the man that was armed. Little, or, if I remember, no stress was put upon this point by the defence at the trial. It would really appear that the prisoner did not know that Loye had a revolver in his pocket, for, if he did, and he intended to kill all present, one would naturally have supposed that he would have shot Loye first. One other point that may, in your mind, weigh in favour of the prisoner, is the fact that the oil was taken out of the lamp that was carried by Lebœuf and apparently a waistcoat was soaked into it and put upon the top of the spittoon which lay in the mill office and near the door of the safe. Whether this was the intelligent preparation for the firing of the mill or whether it was the act of a madman, is a matter of speculation. I think it was unfortunate that the trial judge did not allow evidence of the prisoner's mental condition after the commission of the crime and did not permit the filing, by the Crown, of the letter sent by prisoner to one of his friends in Valleyfield, and also did not take the evidence of the jailer, Mr. Vallée, of Montreal, as

to prisoner's mental condition while in his custody. This evidence was disallowed when offered by the Crown. Is it still too late for you to take Mr. Vallée's statement under the power of inquiry conferred upon you by law, or to take the statement of Dr. Girdwood, who heard part of the evidence, and of Dr. Vallée, who heard the whole evidence?

I fully recognize the grave responsibility placed upon you, and I trust I have in no way embarrassed you by these imperfect observations, which I have endeavoured to place before you with absolute fairness, disclosing as they do the two or three points that in my judgment make most for the prisoner.

I send you a very learned article by Dr. T. G. Clouston, in the Edinburgh Judicial Review for January, 1895, p. 38, on the subject of Arrested Development and Responsibility, and I also beg to inclose to you a copy of the pamphlet published by the Official Stenographers in the case of the Queen against Shortis.

I am, my dear Sir Charles,
Yours sincerely,

D. MACMASTER.

With two inclosures.

Telegram.

MONTREAL, 24th December, 1895.

To Sir CHARLES HIBBERT TUPPER, K.C.M.G.,
Minister of Justice, Ottawa.

On page three line six my letter after the word proper add or new trial. On page five line seven instead of highest medical read highest legal. Though I think the prisoner was rightly convicted, you are the best and most disinterested judge whether the mercy of the Crown should be extended to him.

DONALD MACMASTER.

Telegram.

MONTREAL, 1st January, 1896.

To Hon. Sir CHAS. HIBBERT TUPPER,
Ottawa.

If you think it is in the interest of justice you can publish it. I see no objection.

M. MATHIEU.

To HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The petitions of the undersigned petitioners respectfully represent:

That Valentine Francis Cuthbert Shortis was indicted on the first day of October last, before the Court of Queen's Bench, Crown side, sitting in and for the district of Beauharnois, for the murder of John Loye and Maxime Lebœuf.

That the prisoner was arraigned and pleaded "Not guilty."

That in addition to the said plea "not guilty," the prisoner through his counsel pleaded a special plea in writing, as follows:—

"That at the time of the commission of the acts alleged in the indictment, the prisoner was labouring under natural imbecility and disease of the mind to such an extent as rendered him incapable of appreciating the nature and quality of the act, and of knowing that such act was wrong, and was, at the time, in a state of unconsciousness and disease of mind by which a free determination of his will was excluded, and was in a state of madness, and was insane."

That a trial was had upon the said indictment before a jury, and on Sunday, the third day of November instant, a verdict of "guilty" was rendered by the jury, and on Monday, the fourth day of November instant, His Honour Mr. Justice

Mathieu, who presided over the trial, condemned the prisoner to be executed on the third day of January next.

That a commission issued for the examination of witnesses in Great Britain and Ireland on behalf of the defence of the said prisoner, and under said commission some forty-eight witnesses were examined in Ireland which said commission was duly returned before the court and the evidence of the witnesses read before the jury and which said witnesses gave evidence as to the early life, habits and mental condition of the prisoner up to the time of his leaving Ireland for Canada, to wit, up to the month of September, eighteen hundred and ninety-three.

That a great number of witnesses were also examined before the court on behalf of the defence.

That among the witnesses examined on behalf of the defence were Doctor R. M. Bucke, Superintendent of the London Lunatic Asylum, and Professor of Mental Diseases of the University of London; Doctor C. K. Clarke, Superintendent of the Rockwood Asylum for the Insane at Kingston, and Professor of Mental Diseases of the Queen's University, Kingston; Doctor Daniel Clark, Superintendent of the Toronto Lunatic Asylum, and Professor of the Medical Bcology in Toronto University; and Doctor James V. Anglin, of Montreal, formerly Assistant Superintendent of the Verdun Asylum of Montreal, all of whom have had a large and varied experience, extending over many years as alienists, and each of whom are well recognized authority on the subject of insanity in Canada and elsewhere.

That the said above mentioned doctors attended the trial, and heard the evidence adduced regarding the prisoner's mental condition, and they also examined the prisoner, and after such hearing and examination, gave as their opinion, under oath, that at the time of the trial and also at the time of the commission of the offence the prisoner was a natural, or congenital imbecile, and was suffering from disease of the mind to such an extent that he was incapable of appreciating the nature and quality of the act with which he was charged or of knowing that such act was wrong.

That the evidence adduced before the court at the said trial shows that the prisoner was from his birth a moral and intellectual imbecile, on which imbecility was implanted later in life, insanity or disease of the mind, from both of which he suffered to such an extent as rendered him incapable of distinguishing the nature and quality of the act with which he is charged and of knowing that such act was wrong; or at least, to raise grave and serious questions as to his responsibility for his acts.

That it was clearly proven that the uncle of the prisoner was an epileptic maniac.

That his grandfather was a maniac, and an uncle and aunt, a cousin of his father's on the maternal side, were insane, and that four of his father's sisters died of consumption.

That on both sides of his father's family the degenerate lines focus upon the father of the prisoner and though he escaped the degeneracy, it has descended upon his child.

That the prisoner was an exceptionally backward boy, and instead of reaching consciousness at the usual age of three years, he attained it only at the age of seven or eight years and the consciousness that he did attain to was not fixed as in ordinary men but subject to frequent lapses and after infancy his intellectual development was exceptionally slow and imperfect.

That during childhood and ever since his moral nature remained almost, if not quite, absolutely undeveloped.

That during his childhood and throughout his life until the present time, he has been subject to repeated and frequent attacks of neuralgic headaches such attacks being clearly allied to insanity and being the result of his natural or congenital intellectual and moral imbecility.

That at about the age of fifteen or sixteen, mental disease was added to his arrested development the said mental disease taking the form of delusional insanity with delusions of persecution, and still later visual and aural hallucinations were developed, the prisoner thus becoming a lunatic as well as a natural imbecile.

That the prisoner was at the time of the commission of the act and still remains unable to realize the import of the act with which he is charged.

That there existed a strong prejudice in the minds of the community in the district where the said trial took place, and each and every of the jurors in said trial so sworn to try the said prisoner admitted that they had formed a previous opinion as to his guilt, but that they thought upon sufficient proof of insanity being brought before them that they could do justice and render an impartial verdict and were thus accepted on such statements by the tryers sworn to determine the question as to whether or not each of the said jurors stood impartial, but the said jurors were unable to relieve their minds of the preconceived idea of guilt which they had attaching the prisoner, and thereby were unable to give due and proper weight to the evidence.

That the present case upon the evidence and the record which is referred to in support of the allegations of the present petitions is one in which the royal clemency should be exercised and the sentence commuted to imprisonment for life.

Wherefore your petitioners pray that Your Excellency will be pleased to exercise and extend Her Majesty's royal prerogative of mercy and commute the sentence of Valentine Francis Cuthbert Shortis from death to that of imprisonment for life.

And your petitioners as in duty bound will ever pray.

H. E. ST. PIERRE.
J. N. GREENSHIELDS.
GEO. G. FOSTER.
MARY SHORTIS.
FRANCIS SHORTIS.

MONTREAL, 7th November, 1895.

I, Daniel Clark, of the city of Toronto, in the province of Ontario, physician, do solemnly declare:

That I am the Superintendent of the Insane Asylum at Toronto, and have been for nearly twenty years, and I am professor of medical psychology in the medical department in the Toronto University.

That I was present in court and heard the evidence for the Crown in opening as well as for the defence, but not all of the evidence adduced by the Crown in rebuttal.

That from the evidence I heard and from my examination of the prisoner, Valentine Francis Cuthbert Shortis, I considered him a natural or congenital imbecile upon which has been implanted insanity or disease of the mind.

That according to the record his grandfather was insane, his uncle was insane, his father's sister and brother on the maternal side were insane, and a cousin insane, and that four of his father's sisters died of consumption.

That his mind seems to have improved to some extent till he reached the age of ten or twelve years, and then there was arrested development, and although he grew in stature as a man, he remained about the same in mind as a child, and that in consequence of this lack of brain development and consequent mental deficiency his moral nature was never developed except possibly in a very rudimentary way.

That as a consequence, in all cases of heredity as that of the prisoner's, the malign influence is apt to make itself manifest at two epochs in life, usually at the time when the boy is changing into a man or adolescent age, and at from forty to fifty years of age in a woman or from fifty to sixty years in a man.

That from the evidence adduced and from what I have seen of the prisoner I have no doubt in my mind that he is the victim and has been the victim of delusional insanity, which is that form so very common among those who have hereditary degeneracy, namely that of persecution and unfounded suspicion and undue and unnatural egotism.

That taking the prisoner's whole record through life, and the evidence of the witnesses giving testimony through the case I know of no parallel to it in the shape of boyish, childish, senseless actions in which there can be no benefit to himself, no

motive except the boyish lack of judgment, and discretion upon which there is implanted the insane temperament.

That he has no appreciation of the consequences of his acts, no contrition, no sorrow and no shame for any of his deeds and especially for the one for which he has been tried, and the evidence conclusively convinces me that he is a congenital imbecile and that there is no chance whatever for his recovery and that he is hopelessly insane.

That in my opinion he was on the night of the first of March, and is to-day, a natural imbecile and suffering from disease of the mind and was incapable of appreciating the nature or quality of the act or of knowing that such act was wrong.

And I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act of 1893.

DANIEL CLARK, M.D.

Declared before me at the city of Toronto in the province of Ontario, this 11th day of November, 1895.

HUGH MILLAR, J.P.

I, Richard M. Bucke, of the city of London, in the province of Ontario, physician, do solemnly declare;

That I am the Superintendent of the Lunatic Asylum in London, and Professor of Mental Diseases of the University of London.

That I know the prisoner Valentine Francis Cuthbert Shortis, convicted of murder on the third day of November instant.

That I examined the said prisoner in jail at Beauharnois, and was present during the whole of the said trial and heard all the evidence adduced before the Court as well on behalf of the Crown as on behalf of the defence.

That from what I have observed in my interviews with the prisoner and from having heard the evidence adduced before the court and the demeanor of the prisoner in court, it is my opinion that the prisoner Valentine Francis Cuthbert Shortis is a natural or congenital imbecile and is suffering from disease of the mind to such an extent as to render him incapable of appreciating the nature and quality of an act or knowing that such act was wrong and was so suffering on the night of the first of March last, at the time of the commission of the offence with which he is charged.

That from the evidence it appears that an uncle of the prisoner was an epileptic maniac; that his grandfather was a maniac; that an uncle, aunt, and cousin of his father's on the maternal side were insane, that four of his father's sisters died of consumption and further that the prisoner himself was an exceptionally backward boy.

That instead of reaching self-consciousness at the usual age of three years, he attained it only at the age of seven or eight years.

That self-consciousness, as he attained to it, was not fixed as in ordinary men, but was subject to frequent lapses and that after infancy his intellectual development was exceptionally slow and imperfect.

That during childhood and ever since, up to the present time, his moral nature has remained almost, if not quite, absolutely undeveloped.

That during his childhood and throughout his life until the present time he has been subject to repeated and severe attacks of neuralgic headaches, such attacks being, as every alienist knows, closely allied to insanity, his insanity itself being a direct result of his natural or congenital, intellectual and moral imbecility.

That at about the age of fifteen or sixteen, mental disease was added to his arrested development, and the boy, in addition to being an imbecile, became a lunatic as well.

That the mental disease so produced takes the form of delusional insanity, with delusions of persecution.

That still later hallucinations of hearing, one of the most fatal of all symptoms which belong to insanity, were developed.

That the delusions of the prisoner were present years before the commission of the homicides for which he is convicted and could not have been thought of and therefore could not have been feigned as an excuse.

That these delusions increased in intensity as years went on, insomuch, that whereas in Ireland he only believed in the existence of certain unknown persons seeking to injure him, years afterwards, in Canada, he believed that a certain man whom he named was his deadly enemy; and whereas in Ireland he only sought to defend himself against these imaginary enemies, in Canada he deliberately contemplated the destruction of the imaginary persecutor.

That his hallucinations of hearing were such a symptom as might be expected to show itself in such a case, and for two reasons they could not have been feigned: 1st. Because, as is almost always the case, they were not paraded, but rather concealed, and 2nd. Because as far as the evidence goes they were only present after dark, a characteristic of such hallucination that could not have been known to the prisoner.

That the young man so afflicted had on the 1st of March an unusually severe headache, even for him.

That on the same evening his hallucinations of hearing were exceptionally well marked and that in the course of that night he committed a senseless, horrible homicide.

That, after its commission, he appeared to be in a dazed state; did not attempt to escape, and was willing to be arrested and even willing to be killed.

That almost immediately afterwards, he lay down and apparently went to sleep.

That from that time forth he manifested no regret, sorrow, remorse or repentance for what he had done.

That he still remains unable to realize the import of his act.

That as a result of his natural imbecility and acquired disease that he is unable to realize or feel his own position or the fearful mischief he has done, but that throughout the ordeal of the trial he remained unmoved and absolutely impassive, and even when he faced his almost heartbroken father and mother in the witness box he manifested and evidently felt neither grief nor concern for their terrible position.

That in all the facts of the case from the insanity of the grandfather and the epilepsy of the uncle of the prisoner down to the present moment there is such a consensus in all the circumstances and symptoms of the case that to the man who understands them each and all and the relation of them one to the other, no doubt of the prisoner's true condition can remain.

That, especially, the delusional insanity and the hallucinations of hearing are so closely bound up with the prisoner's heredity and imbecility that we cannot imagine them feigned or pretended, even if the prisoner had the wit to feign such obscure and little known symptoms.

That in my opinion the history of this case as put before the court and the mass of details laid before the court make it one of the most complete on record from the point of view of insanity.

And I make this solemn declaration conscientiously believing the same to be true, and knowing that it has the same force and effect as if made under oath under and by virtue of the Canada Evidence Act of 1893.

R. M. BUCKE.

Declared before me at the city of London, in the province of Ontario, this 9th day of November, eighteen hundred and ninety five.

H. C. POPE,

A Commissioner, &c.

I, James V. Anglin, of the city of Montreal, in the province of Quebec, do solemnly declare:

That I am a graduate of the Queen's University of Kingston, and have been connected for two and a half years with the Western Pennsylvania Hospital for the

Insane, and after that was for three years assistant superintendent of the Verdun Hospital for the Insane near Montreal.

That I know the prisoner, Valentine Francis Cuthbert Shortis, and saw him for the first time in the Montreal jail on the twenty-fifth day of June last, and have seen him some twenty-five or thirty times since.

That I was present at the trial and heard all the evidence given on behalf of the Crown, as well as on behalf of the defence.

That I have made, from the twenty-fifth of June last up to the present time, a careful study of the prisoner's mental condition.

That from my examination of the prisoner, and from the evidence adduced before the court and his demeanor in the box, I am of opinion and have no doubt that he is a natural imbecile and suffering from disease of the mind, and was at the commission of the offence suffering from such disease of the mind as rendered him incapable of appreciating the nature or quality of the act or of knowing that such act was wrong.

That in his case, in my opinion, the main cause of his insanity is his heredity, as it has been clearly established that an uncle of the prisoner was an epileptic maniac, that his grandfather was a maniac, that an uncle, aunt, and cousin of his father's on the maternal side were insane, and that four of his father's sisters died of consumption.

That this a strong case of heredity inasmuch as we have it on both sides of his grandparents; that is, his grandfather's and grandmother's sister and brother and other relatives of the family; and the great factor in insanity as proven by experience is heredity.

That fully seventy-five per cent of the insane may be traced to their heredity. That the prisoner's mental disease is incurable. That, in my opinion, the prisoner never realized and does not to-day realize the nature of the act with which he is charged and is absolutely indifferent to its consequences.

And I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath in and by virtue of the Canada Evidence Act of 1893.

JAMES V. ANGLIN, M.D.

Declared before me at the city of Montreal, province of Quebec, this eleventh day of November, eighteen hundred and ninety-five.

ROBERT REID, J.P.

DEPARTMENT OF JUSTICE, 12th November, 1895.

MEMORANDUM FOR THE UNDER SECRETARY OF STATE

SIR,—The undersigned has the honour to request that the Honourable Mr. Justice Mathieu be asked to report in accordance with section 8, chapter 181, R.S.C., upon the case of Valentine Francis Cuthbert Shortis, who was tried before him and convicted of murder on the third day of the present month, and sentenced to be executed on the third day of January next, 1896, and to forward a copy of the evidence taken at such trial.

His Lordship might be asked to conform with this request as soon as possible so as to afford the executive time to give the matter the careful consideration it deserves.

A. POWER,
Acting Deputy Minister of Justice.

DEPARTMENT OF JUSTICE, 13th November, 1895.

GEORGE G. FOSTER, Esq., Barrister, &c.,
Montreal, Que.

SIR,—I have the honour to acknowledge the receipt of the petition addressed to His Excellency the Governor General in Council, praying that His Excellency be

pleased to exercise and extend Her Majesty's royal prerogative of mercy, and commute the sentence of Valentine Francis Cuthbert Shortis from death to that of imprisonment for life.

I have the honour to be, sir, your obedient servant,

A. POWER,
Acting Deputy Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 24th December, 1895.

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to submit the report of Mr. Justice Mathieu upon the case of Valentine Francis Cuthbert Shortis, recently convicted at Beauharnois of the crime of murder and sentenced to be executed on Friday, the third day of January next, toge her with the record of the proceedings had and the evidence given at the trial; also, several petitions, letters and other communications urging the commutation of the death sentence, and generally all the correspondence touching the case.

Upon careful consideration of the whole, the undersigned has the honour to recommend that the law be allowed to take its course.

Humbly submitted,

CHARLES HIBBERT TUPPER,
Minister of Justice.

26th December, 1895.

The Governor General to the Secretary of State for the Colonies.

I have been expressly requested by the Minister of Justice to ask opinion on following position:

Valentine Shortis was sentenced to death for murder. Cabinet was equally divided upon consideration of petitions on Tuesday. No advice was, therefore, forthcoming to Governor General, without which, according to instructions, he cannot act. If no intervention were to take place, execution would be carried into effect January 3rd. At Cabinet meeting, Minister of Justice advocated the carrying out of sentence. In view, however, of equal vote he recognizes now that his course might be liable to objection. I may add that the judge's confidential report on the whole favours commutation. I concur.

ABERDEEN.

30th December, 1895.

The Secretary of State for the Colonies to the Governor General.

As Privy Council tender no advice, you must decide according to your own judgment.

CHAMBERLAIN.

(No subsequent communication on this subject received by Governor General from Colonial Office.)

ABERDEEN.

31st December, 1895.

The Honourable
The Secretary of State.

Copy of a memorandum from His Excellency the Governor General in re Capital Case of Valentine Francis Cuthbert Shortis.

The case of this prisoner convicted at Beauharnois of the crime of murder, and sentenced to be executed on Friday the 3rd January, 1896, having been several times

fully considered by Council on the reports of the trial judge, the evidence given at the trial, and several petitions and memorials praying for a commutation of the death sentence, and having been submitted to me without any recommendation by Council as to the carrying out of the death sentence, I thought it my duty to lay the facts before Her Majesty's Government. Acting upon the advice of Her Majesty's Government, that, in such circumstances, it is my duty to act in such manner as seems to me most fitting, I have come to the conclusion that the case is one in which I should exercise accordingly my own judgment. Under all the circumstances of the case, I have decided to commute the sentence of death, passed upon Shortis, to life imprisonment in the St. Vincent de Paul penitentiary as a criminal lunatic.

The Department of the Secretary of State will please prepare the necessary warrant, and take such steps as may be requisite to carry out this decision.

ABERDEEN.

DEPARTMENT OF JUSTICE, OTTAWA, 3rd January 1896.

The Under Secretary of State.

To carry out the directions given by his Excellency the Governor General in a memorandum in relation to the capital case of Francis Valentine Cuthbert Shortis dated the 31st December, 1895, the undersigned has the honour to transmit a draft Warrant under the Privy Seal and to recommend that the same be engrossed and submitted to his Excellency for execution.

The undersigned has also the honour to return herewith the original documents in the above case, which accompanied the report of the trial judge and to recommend that they be returned to the Clerk of the Crown at Beauharnois.

A. POWER.

For D.M.J.

By His EXCELLENCY, &c.

Whereas at the sittings of the Court of Queen's Bench of the province of Quebec (Crown side) lately holden at Beauharnois in the said province, one Valentine Francis Cuthbert Shortis was convicted of the murder of one John Loye, and upon such conviction was sentenced to be hanged on Friday, the third day of January, one thousand eight hundred and ninety-six.

And whereas I, the said Right Honourable Sir John Campbell Hamilton Gordon, Earl of Aberdeen, P. C., in virtue of the power and authority in me vested have decided to commute such death sentence into imprisonment for life.

Now, therefore, know ye that I have been pleased to commute and do hereby commute the sentence of death passed upon the said Valentine Francis Cuthbert Shortis into imprisonment in the St. Vincent de Paul Penitentiary for and during the term and period of the natural life of the said Valentine Francis Cuthbert Shortis.

Of all which all persons whom the same may concern are to take notice and govern themselves accordingly.

Given at Ottawa under my hand and seal at arms this second day of January, 1896.

ABERDEEN.

(Telegram.)

The Sheriff, Beauharnois, Que.

His Excellency has been pleased to order that the death sentence of Shortis be commuted to imprisonment for life as a criminal lunatic. Will write to-morrow.

Answer.

L. A. CATELLIER.

(Telegram.)

Yes, yours of 31st to Sheriff, signed Catellier, has been delivered this a. m., at 11 o'clock.

1st January, 1895.

Beauharnois, Que.,
Per Montreal.

(Telegram.)

(From Beauharnois, Q.)

1st January, 1896.

L. A. CATELLIER.

If your telegram received this morning concerning Shortis's commutation is true send me another one right off what is your official quality.

PHILIMENE LABERGE, *Sheriff.*

(From Beauharnois, Que.)

OTTAWA.

Please hurry answer to ours of yesterday to Catellier signed Laberge, very important, say if delivered, and at what time.

(Telegram.)

OTTAWA, 2nd January, 1895.

The Sheriff, Beauharnois, P. Q.

This message is a reply to yours of yesterday. It was in my official capacity of Under Secretary of State that I notified you, by telegram, on the 31st December, ultimo, of the decision arrived at by His Excellency in the matter of the commutation to life imprisonment of the death sentence passed upon Valentine (Cuthbert) Shortis. Please wire receipt of this telegram. Official letter mailed to-day.

L. A. CATELLIER,
Under Secretary of State.

(Telegram)

(From Beauharnois, Que.,)

2nd January, 1896.

L. A. CATELLIER,
Under Secretary of State,
Ottawa.

Have delivered your message to Dr. Roberge, sheriff, regarding Shortis.

J. LESLIE.

BEAUHARNOIS, 2nd January, 1896.

L. A. CATELLIER, Esq.,
Under Secretary of State.

Mr. John Leslie has handed me the message signed by you commuting the death sentence of prisoner Shortis to imprisonment for life as a criminal lunatic.

PHILIMENE LABERGE,
Sheriff.

(Telegram).

(From Beauharnois, Que.)

3rd January, 1896.

L. A. CATELLIER,
Under Secretary of State,
Ottawa.

No order for removal received, where will I send him waiting for an order in danger being lynched; answer immediately.

PHILIMENE LABERGE, *Sheriff.*

(Telegram)

3rd January, 1896.

P. LABERGE, M.D.,
 Sheriff, Beauharnois.

Warrant for removal to St. Vincent de Paul will be sent you in due course, in meantime you must take instructions from provincial authorities.

L. A. CATELLIER,
Under Secretary of State.

The Sheriff,
 Beauharnois, Quebec.

You are authorized by His Excellency the Governor General to transfer and convey to the St. Vincent de Paul Penitentiary upon receipt of this message, Valentine Francis Cuthbert Shortis whose sentence of death has been commuted to imprisonment for life in said penitentiary. Requisite letters and warrant are this afternoon mailed to your address.

Please wire receipt of this telegram without delay.

L. A. CATELLIER,
Under Secretary of State.

*(Copy of Telegram).**(Translation)*

DEPARTMENT OF THE SECRETARY OF STATE,
 OTTAWA, 3rd January, 1896.

The Sheriff
 of the District of Beauharnois,
 Beauharnois, P.Q.

SIR,—I have the honour to transmit herewith, as stated in my telegram of this day, the warrant of His Excellency the Governor General authorizing you to convey to the St. Vincent de Paul Penitentiary one Valentine Francis Cuthbert Shortis, whose sentence of death has been commuted to imprisonment for life in the said penitentiary.

Please acknowledge receipt of the said document.

I have, &c.,

L. A. CATELLIER,
Under Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE.

OTTAWA, 3rd January, 1896.

To the Sheriff
 of the District of Beauharnois,
 Beauharnois, P.Q.

SIR,—I am directed to inform you that His Excellency the Governor General has had under his consideration the case of Valentine Francis Cuthbert Shortis, who was tried before the Honourable Mr. Justice Mathieu, at the sittings of the Court of Queen's Bench of the province of Quebec (Crown side) lately holden at Beauharnois in the said province for the crime of murder, and having been convicted thereof, was sentenced to be executed on Friday, the 3rd January instant, and to state that His Excellency, on behalf of Her Majesty the Queen, has thought fit to order that the sentence of death passed upon said Valentine Francis Cuthbert Shortis be commuted to imprisonment for life in the St. Vincent de Paul penitentiary.

In pursuance of chapter 182, section 47, of the Revised Statutes of Canada, you are hereby required and directed to convey the said convict to the penitentiary above mentioned.

You will be good enough to acknowledge the receipt of this communication immediately after the same has reached you.

I have, &c.,

L. A. CATELLIER,
Under Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 3rd January, 1896.

The Warden of the
St. Vincent de Paul Penitentiary,
St. Vincent de Paul, P.Q.

SIR,—I am directed to inform you that His Excellency the Governor General has had under consideration the case of Valentine Francis Cuthbert Shortis who was tried before the Honourable Mr. Justice Mathieu at the sittings of the Court of Queen's Bench of the province of Quebec (Crown side) lately holden at Beauharnois in the said province for the crime of murder, and having been convicted thereof, was sentenced to be executed on Friday the 3rd January instant, and to state that His Excellency, on behalf of Her Majesty the Queen, has thought fit to order that the sentence of death passed on the said Valentine Francis Cuthbert Shortis be commuted to imprisonment for life in the St. Vincent de Paul Penitentiary.

This letter is, in pursuance of the Act of the Revised Statutes of Canada, chapter 182, section 48, your sufficient authority to receive the said convict into the penitentiary and to deal with him as if he had been sentenced by a competent court to confinement therein for the period of time above mentioned.

You will be good enough to acknowledge the receipt of this communication immediately after the same has reached you.

I have, etc.,

L. A. CATELLIER, U.S.S.

(Telegram.)

4th January, 1896.

To L. A. CATELLIER,
Under Secretary of State
Ottawa.

Received your telegram about Shortis removal to St. Vincent de Paul Penitentiary but no letter to that effect.

SHERIFF LABERGE.

From Beauharnois Quebec.
(Telegram.)

6th January, 1896.

To Sheriff LABERGE,
Beauharnois,
Quebec.

Letters and warrant in connection with removal of Shortis to St. Vincent de Paul Penitentiary sent to you Friday evening by registered mail.

L. A. CATELLIER, U. S. S.

Ottawa, 3rd January, 1896.

ST. VINCENT DE PAUL PENITENTIARY.

4th January, 1896.

L. A. CATELLIER Esq.,
Under Secretary of State,
Ottawa.

SIR,—I acknowledge receipt of your letter of the 3rd instant (No. 15 file 6376 of 1895) conveying to me the information that His Excellency the Governor General has commuted the sentence of death passed on Valentine Francis Cuthbert Shortis to imprisonment for life in this penitentiary together with the authority to receive the said convict and deal with him according to section 48, chapter 182, R. S. Canada.

I have the honour to be sir,

Your obedient servant,

TEL. OUIMET, Warden.

*(Translation.)*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 10th January, 1896.The Sheriff of the District of Beauharnois,
Beauharnois, P.Q.

SIR,—I have the honour to call your attention to my two letters of the 3rd instant in the matter of the Queen vs. V. F. C. Shortis, the one informing you of the decision taken by His Excellency the Governor General in reference to the sentence of death pronounced against Shortis, and the other transmitting you the warrant authorizing you to convey him to the St. Vincent de Paul Penitentiary, and to inform you that I have not yet received acknowledgment of the receipt of these documents, in accordance with request made in both letters.

Please give your immediate attention to this matter.

I have, &c.,

L. A. CATELLIER, U.S.S.

*(Translation.)*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 8th January, 1896.MOISE BRANCHAUD, Esq., Clerk of the Crown,
Beauharnois, P.Q.

SIR,—At the request of the Department of Justice, I have the honour to send you to-day by express, the original evidence taken in the case of the Queen vs. Valentine F. C. Shortis, sentenced to be executed on the 3rd day of January instant, and whose sentence of death has been commuted to imprisonment for life in the St. Vincent de Paul Penitentiary.

Please acknowledge receipt of the documents in question, numbered from 1 to 38 inclusively.

I observe, however, that number four is missing, but I find at the same time one document without a number and which I suppose is the missing number.

I am writing at the same time to the Honourable Judge Mathieu, to inform him of the transmission of the papers to Beauharnois, the matter being urgent.

I have, &c.,

L. A. CATELLIER.

*(Translation.)*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 9th January, 1896.The Honourable M. MATHIEU, J.S.C.,
Montreal, P.Q.

SIR,—I have the honour to inform you that, at the request of the Department of Justice, I transmitted yesterday by express to Mr. Moïse Branchaud, Clerk of the Crown at Beauharnois, the original evidence taken in the case of the Queen vs. Valentine F. C. Shortis, whose sentence of death has been lately commuted to imprisonment for life.

The documents forwarded to Mr. Branchaud are numbered from 1 to 38 inclusively.

I observed, however, that number four was missing, but as I found at the same time another document which had no number, I supposed this was the missing one.

I have, &c.,

L. A. CATELLIER.

BELMONT HOUSE,
ABERDEEN, 9th December, 1895.

To His Excellency the Governor General of the Dominion of Canada.

The memorial of Alexander Middleton, cattle salesman, in Aberdeen, Scotland, and residing in Belmont House, Kittybrewster, near Aberdeen.

MAY IT PLEASE YOUR EXCELLENCY,—Having had my attention directed in this country to the trial at Beauharnois in the province of Quebec, of Valentine Francis Cuthbert Shortis, a native of Waterford, Ireland, for murder, and who now lies in prison at Montreal condemned to suffer the capital sentence on 3rd January next, I crave liberty of addressing your Excellency as to the condemned youth having inherited a predisposition to disorders of the mind and spirits, and his being the victim of insane delusions, with his senses of sight and hearing subject to hallucinations of a more or less dangerous character.

I am solemnly assured that his paternal grandfather, a paternal uncle and a paternal grand-uncle all died insane, and also that a paternal grand-aunt and cousin are the victims of insanity. This, coupled with the medical evidence adduced at the trial as reported in the public prints, together with the infirmities of his youth, the simple and foolish traits of character that have been seen to permeate his whole history from infancy, his demeanour since his arrest and particularly since his condemnation, his sheer indifference towards his parents, the entire absence in him of anything approaching remorse at the terrible crime committed at his hands, and his apparent unconsciousness of the awful doom that presently awaits him, all tend to prove that his mind is completely deranged and that he could in no sense have realized the fearful nature of the crime.

His parents are most comfortable as to means, occupy a highly respectable position and are much esteemed by all who know them, and I cannot think for a moment he could have possibly been driven to such a deed by pecuniary straits.

Far be it from me to attempt or even to hope to sway your Excellency by words or otherwise from your high sense of duty to the prisoner and to the Canadian public, but I do deeply feel that the verdict of the jury in this case, not improbably influenced by the trend of public feeling at the time, is one which your Excellency in full consistency with duty might freely temper with mercy, and I trust that in that spirit of merciful uprightness with which we Britons are ruled in our mother country and of which your Excellency is the noble embodiment in Canada, the prayers of the broken-hearted and grief-stricken father and mother may be fully answered through your Excellency in the preservation of life to their only child and the commutation of his sentence to confinement for life or during Her Majesty's pleasure in a lunatic asylum.

Thus do I pray,

A. MIDDLETON,

CLONMEL DISTRICT LUNATIC ASYLUM,
BOARD ROOM, 9th December, 1895.

EXCERPT from Minutes of Proceedings of the Board of Governors, at their monthly meeting, held on Monday, 9th December, 1895.

Present in the Chair, R. Bagwell, D.L.; other Governors—Alderman Cantwell, J.P.; C. Neville Clarke, J.P.; John Connolly, J.P.; Edmund Cummins, J.P.; Rev. C. J. Flavin, P.P.; Stephen Moore, D.L.; Capt. V. Morton, J.P.; P. O'Donnell, J.P.; Col. Riall, J.P.; James Walshe, Esq.

The following resolution was proposed by Father Flavin, seconded by Mr. Shee, and carried unanimously:—

Gentlemen—I beg most respectfully to propose that this Board do ask mercy for Valentine Shortis, who, we believe, was not accountable for his horrid crime, as

it is well known to the Governors that insanity prevails in the family, and that many of his relatives died in this asylum.
(True copy.)

W. H. FARMER,
R. M. Superintendent.

(Translation.)

L. A. CATELLIER, Esq.,
Under Secretary of State,
Ottawa.

BEAUHARNOIS, 11th January, 1896.

SIR,—I have the honour to acknowledge receipt of all the documents which I had delivered to the Hon. Judge Mathieu, and which were transmitted by him to the Department of Justice at Ottawa, from Number 1 to 38 inclusive, including Number 4, in the case of *The Queen vs. Valentine F. C. Shortis*. But I only received them yesterday morning by the Canadian Express.

I have the honour to be, sir,
Your obedient servant,

M. BRANCHAUD,
Clerk of the Crown.

(Translation.)

OFFICE OF THE SHERIFF,
BEAUHARNOIS, 9th January, 1896.

L. A. CATELLIER,
Under Secretary of State,
Ottawa.

SIR,—I have the honour to acknowledge receipt of your warrant commanding the conveying of Valentine Francis Cuthbert Shortis to the St. Vincent de Paul Penitentiary, and to inform you that, in obedience to the said warrant, I did convey the said Valentine Francis Cuthbert Shortis to the said St. Vincent de Paul Penitentiary, on Monday the 6th day of January, 1896.

I have the honour to be, sir,
Your obedient servant,

PHILIMENE LABERGE, *Sheriff.*
(By Ad. Varinier.)

(Personal.)

JUDGES' CHAMBER,
MONTREAL, 6th January, 1896.

E. L. NEWCOMBE, Esq.
Deputy Minister of Justice.

DEAR SIR,—On the 31st day of December, 1895, I got a telegram from the Honourable C. H. Tupper asking my permission to publish my second report in reference to the Shortis case, and I answered him if he thought it was in the interest of justice, he might publish it. I was then under the impression that the Government had advised His Excellency. I see now by the papers that they have not, and I think that under the circumstances it would be better that it be not published. I would have written to Mr. Tupper himself, but I see that he has resigned, and I hope you will communicate my desire to the minister in charge.

I have the honour to be,
Your obedient servant,

M. MATHIEU

MONTREAL, 28th December, 1895.

E. L. NEWCOMBE, Esq., Q. C.,
Deputy Minister of Justice,
Ottawa, Ont.

MY DEAR SIR,—The manager of the Cotton Company at Valleyfield has again written me, strongly representing that the company's business is suffering grave injury from lack of the books of account and documents and files produced and left by him in court as part of the record. If these documents were now before the court I would apply for an order, but as they are not, I can only implore you, on behalf of the Cotton Company, to have them restored at the earliest possible date.

I imagine, of course, there cannot be much more delay.

The manager of the company writes to me in the most urgent terms.

By the way, I beg to send you a copy of the pamphlet—almost a book—containing the addresses of the English counsel and the judge's charge.

Yours sincerely,

D. MACMASTER.

With pamphlet.

(Telegram.)

To E. L. NEWCOMBE, Q. C.,
Dept. Minister of Justice,
Ottawa.

From Beauharnois, Que.

Have delivered to Dr. Laberge, sheriff here, Mr. Catellier's message regarding Shortis.

J. LESLIE.

VALLEYFIELD, P.Q., 6th January, 1896.

The Honourable
Deputy Minister of the Department of Justice,
Ottawa, Ont.

DEAR SIR,—A number of books belonging to this office and also some of my letter files, were retained by the honourable court at Beauharnois, trying the murderer Shortis, and have been, I understand, sent up to your department pending the investigation held by you, in this matter. I need hardly tell you, that I am put to very great inconvenience and considerable loss, through not having these books to refer to. And I would ask it as a great favour, if you will order that they be returned to me without any further delay. If you will kindly consider the enormous loss that has been caused to this concern through this murderer Shortis, and also the mental strain and inconvenience I have myself suffered, I am sure that you will not object to doing this favour. Thanking you in advance.

I am, yours truly,

LOUIS SIMPSON.

OTTAWA, 8th January, 1896.

The Honourable
Sir MACKENZIE BOWELL, K.C.M.G., Premier.

DEAR SIR MACKENZIE,—I have the honour to transmit to you the inclosed resolution and protest.

An acknowledgment of reception will oblige.

Yours respectfully,

J. G. H. BERGERON.

At a meeting of the citizens of Valleyfield, P. Q., held in the town hall, on Saturday the 4th of January, one thousand eight hundred and ninety-six:—

It was moved and seconded and passed without one dissenting voice, that an address be sent to the Honourable Sir Mackenzie Bowell, Prime Minister of Canada, as follows:—

To the Honourable Sir Mackenzie Bowell, Prime Minister of Canada:

Resolved:

That the citizens of Valleyfield look with apprehension upon the action of the Governor General in respiting the murderer V. F. C. Shortis;

They are of opinion that as V. F. C. Shortis, after a fair and just trial was found guilty by a jury of his fellow citizens, that as no new evidence has been discovered which would have in any way altered the verdict so given, that there exists no good or just reason why the sentence passed upon Shortis should not have been permitted to be carried out;

They protest at this miscarriage of justice;

They believe that there should be in Canada one law for the rich as for the poor and they respectfully ask that this protest be recorded in the archives of the Minister of Justice.

GEO. M. LOY, *Mayor.*

M. SUTHERLAND, M.D., C.M., *Secretary.*

VALLEYFIELD, P.Q., 7th January, 1896.

J. G. H. BERGERON, Esq., M.P.

DEAR SIR,—Inclosed find a resolution passed at a meeting held in Valleyfield, to the Hon. Sir Mackenzie Bowell, which you will kindly present.

And oblige, yours truly,

M. SUTHERLAND, M.D., *Secretary.*

MONTREAL, JAN. 10, 1896.

E. L. NEWCOMBE, Esq., Q.C., Deputy Minister of Justice, Ottawa, Ont.

Re SHORTIS.

MY DEAR NEWCOMBE,—About the 23rd of December, in answer to a request from the Minister of Justice, I sent him a report on the Shortis case. Some errors occurred in the transcription. I sent the Minister of Justice a corrected copy a few days afterwards.

I see that Mr. Bergeron has asked for return of the papers in connection with the commutation, etc.

Will you kindly see that my report—and the corrected copy—goes in. I would not have written about it at all were it not for the fact that I felt the copy containing the clerical errors might be sent in.

Yours sincerely,

D. MACMASTER.

