

THE QUEEN  
vs.  
LOUIS RIEL,

*ACCUSED AND CONVICTED OF THE CRIME OF HIGH TREASON.*

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REPORT

OF

TRIAL AT REGINA.—APPEAL TO THE COURT OF QUEEN'S BENCH, MANITOBA.  
—APPEAL TO THE PRIVY COUNCIL, ENGLAND.—PETITION FOR MEDICAL  
EXAMINATION OF THE CONVICT.—LIST OF PETITIONS FOR COMMUTA-  
TION OF SENTENCE, OTTAWA.



OTTAWA :  
PRINTED BY THE QUEEN'S PRINTER.

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THE QUEEN

vs.

LOUIS RIEL

*Charged on an Indictment for High Treason,  
under the North-West Territories Act, 1880.*

REGINA, 20th July, 1885.

The Court assembled at 11 A.M.

MR. JUSTICE RICHARDSON.—I have to announce that Mr. Henry LeJeune will be the Associate Justice for the approaching trial; Mr. Dixie Watson, clerk; Wallace Maclean, J. S. Monahan, James T. Parkes and F. R. Marceau, official reporters.

Mr. Sheriff, will you return the precept.

Precept handed by the Sheriff to the clerk who reads the return and calls the list of Jurors.

HIS HONOR MR. JUSTICE RICHARDSON.—The clerk will open the Court.  
Court opened by the clerk.

MR. JUSTICE RICHARDSON.—Mr. Sheriff, will you bring in the prisoner.  
Prisoner brought in and placed in the dock.

MR. JUSTICE RICHARDSON.—Louis Riel, have you been furnished with a copy of the charge, of the panel of jurors, of the list of witnesses for the prosecution?

PRISONER.—Yes, your honor.

MR. JUSTICE RICHARDSON.—Arraign the prisoner.

The clerk reads the indictment, as follows:—

Sixth day of July, in the year of Our Lord 1885, at the Town of Regina, in the North-West Territories.

Before me, Hugh Richardson, one of the Stipendiary Magistrates of the North-West Territories, exercising Criminal Jurisdiction under the provisions of the North-West Act, 1880.

LOUIS RIEL, you stand charged on oath before me as follows:—

“The information and complaint of Alexander David Stewart, of the City of Hamilton, in the Province of Ontario, in the Dominion of Canada, Chief of Police, taken the sixth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, before the undersigned, one of Her Majesty's Stipendiary Magistrates, in and for the said North-West Territories of Canada, who saith:—

“1. That Louis Riel being a subject of Our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil, as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen, should and of right ought to bear

towards our said Lady the Queen, in the year aforesaid, on the twenty-sixth day of March, together with divers other false traitors to the said Alexander David Stewart, unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, at the locality known as Duck Lake, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of him the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

"2. And the said Alexander David Stewart further saith: That the said Louis Riel, being a subject of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as a false traitor against our said Lady the Queen and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen, at the locality known as Fish Creek, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all other: in the like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

"3. And the said Alexander David Stewart further saith: That the said Louis Riel, being a subject of our Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil, as a traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the ninth, tenth, eleventh and twelfth days of May, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Batoche, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in

such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

" 4. And the said Alexander David Stewart further saith : That the said Louis Riel, then living within the Dominion of Canada and under the protection of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as . . . . . against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-sixth day of March, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Duck Lake, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

" 5. And the said Alexander David Stewart further saith : That the said Louis Riel, then living within the Dominion of Canada, and under the protection of our said Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen, at the locality known as Fish Creek, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor, by force and arms, to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

" 6. And the said Alexander David Stewart further saith : That the said Louis Riel, then living within the Dominion of Canada and under the protection of Our Sovereign Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigations of the Devil as a false traitor against Our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards Our said Lady the Queen, on the ninth, tenth, eleventh and twelfth days of May, in the year aforesaid, together with divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered against Our said Lady the Queen, most wickedly and maliciously and traitorously did levy and make war against Our said Lady the Queen, at the locality known as

Batoche, in the said North West Territories of Canada, and within this Realm and did then, maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose Our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm in contempt of Our said Lady the Queen and her laws, to the evil example of others in like case offending, contrary to the duty of allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided, and against the peace of Our said Lady the Queen, Her Crown and dignity.

(Signed)

A. D. STEWART.

Sworn before me, the day and year first above mentioned, at the town of Regina, in the North West Territories of Canada.

(Signed) HUGH RICHARDSON,

*A Stipendiary Magistrate in and for the North-West Territories of Canada.*

CLERK.—Louis Riel, are you guilty or not guilty?

MR. JUSTICE RICHARDSON.—Who appears for the prosecution?

MR. CHRISTOPHER ROBINSON Q. C.—I appear with my learned friends B. B. Osler, Q. C., G. W. Burbidge, Q. C., D. L. Scott and T. C. Casgrain.

MR. F. X. LEMIEUX.—I appear for the prisoner with Mr. Charles Fitzpatrick, J. N. Greenshields and T. C. Johnston. I hold in my hand a plea to the jurisdiction of the Court, supported by the usual affidavits, and we have agreed that Mr. Fitzpatrick shall argue that part of the case. Will your Honor be kind enough to have the prisoner swear to the affidavit supporting the plea?

MR. RICHARDSON.—The clerk may swear him now, as the Court is open.  
Affidavit sworn to by the prisoner.

MR. FITZPATRICK.—May it please your Honor, I will now proceed to read to the Court the plea to the jurisdiction of the Court in this case and affidavit.

“THE QUEEN *vs.* LOUIS RIEL.”

*Charged under the North-West territories Act 1880.*

“And the said Louis Riel, in his own proper person cometh into a Court here and having heard the information and complaint of Alexander David Stewart, of the City of Hamilton, in the Province of Ontario, in the Dominion of Canada, Chief of Police, taken the sixth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, before Hugh Richardson, one of Her Majesty's Stipendiary Magistrates in and for the North-West Territories of Canada, saith:

“That Hugh Richardson, Esq., one of Her Majesty's Stipendiary Magistrates for the North-West Territories of Canada, exercising criminal jurisdiction, in open Court, with a justice of the peace and a jury of six, under the provision of the North-West Territories Act, 1880, ought not to take cognizance of the offences in the said information charged and specified because, protesting that he is not guilty of the same, nevertheless, the said Louis Riel saith that the offences with which he is charged are punishable with death and he should be committed for safe custody and sent for trial to Upper Canada or to any Court constituted in British Columbia, taking cognizance of like offences committed therein, and because in virtue of the laws in force in the place where the said offences are charged to have been committed, the said Hugh Richardson, in open Court, with a

justice of the peace and a jury of six, has no jurisdiction to try the offences charged in the said information.

"Wherefore the said Louis Riel prays judgment if the said Hugh Richardson in open Court with a justice of the peace and a jury of six now here will take cognizance of the charges aforesaid."

Court here adjourned till one o'clock.

Resumed after adjournment.

HIS HONOR MR. JUSTICE RICHARDSON.—Before you proceed, I understand there are quite a number of prisoners in cu

MR. OSLER.—Seventy three.

HIS HONOR.—Going through all these will take a very long time, a great number of days. The prospects are that this case, if it does not close at once, will take a considerable time and will be followed by the others. I think it would be unfair for the prisoners to keep them longer in custody than necessary, and I propose therefore, as there are other gentlemen having the same jurisdiction as myself, to ask the Government to send one of them to hold Court so as to have the two Courts sitting at the same time, if you gentlemen have no objection to that course.

MR. ROBINSON.—We have no objection to that. We were talking about it this morning.

MR. FITZPATRICK.—I will proceed to read our plea to the jurisdiction of the Court, as amended in some respects.

HIS HONOR.—This will be substituted for the one put in my hand this morning.

Mr. Fitzpatrick reads the plea as amended.

MR. ROBINSON.—In our view a formal plea to the jurisdiction is not necessary nor a formal answer, we thought it only necessary for them to state their objection and for us to answer them.

"And the said Christopher Robinson, one of Her Majesty's Counsel learned in the law, who for Our said Sovereign Lady the Queen, in this behalf prosecute, to the said plea of him the said Louis Riel, by him above pleaded as aforesaid, for Our said present Sovereign Lady the Queen, saith :

"That the said plea and the matter therein contained are not sufficient in law to preclude the Court from their jurisdiction, and to hear and determine the offences charged, mentioned and specified in the said charge as above charged upon him the said Louis Riel in and by the said charge.

"Wherefore, for want of a proper and sufficient answer in this behalf he prayeth judgment, and that the said Louis Riel may answer in Court here to Our said present Sovereign Lady the Queen touching and concerning the premises aforesaid."

Answer handed to the clerk and fyled.

HIS HONOR.—We have the plea to the jurisdiction and we have the demurrer.

MR. FITZPATRICK.—We join issue upon the demurrer.

.....  
MR. JUSTICE RICHARDSON.—Now, if I understand the contention of Mr. Fitzpatrick, it is that this Act of 1880, so far as it relates to the trial of criminal offences such as this, is *ultrà vires*.

MR. FITZPATRICK.—My contention is that the Act of 1880, in so far as it relates to the trial of capital cases is *ultrà vires*.

MR. JUSTICE RICHARDSON.—Well, as I cannot hold that, I must sustain the demurrer.

I must now call upon Louis Riel to plead.  
Prisoner pleads not guilty.

MR. JOHNSTON.—With the permission of the court I beg leave to demur to the information. It might be sufficient to demur *ore tenus*, or by oral exception to the information: yet, as the information laid by the prosecution in itself formal, and a departure from the procedure hereto of this court, I think it necessary to put in a written general demurrer as follows:

CANADA. }  
North-West Territories. }

THE QUEEN *vs.* LOUIS RIEL, now charged before His Honor Hugh Richardson, Stipendiary Magistrate, and Henry LeJeune, Esquire, a justice of the peace, and a jury of six under the provision of subsection 5, section 76, of the North-West Territories Act, 1880, on the information of Alexander David Stewart. The said Louis Riel, in his own proper person, cometh into Court here, and having heard said information read, sayeth that the said information and the matters therein contained in the manner and form as described and above stated and set forth, are not sufficient in law, and that the said Louis Riel is not bound by law of the land to answer the same.

Wherefore for want of sufficient information the said Louis Riel prays judgment.

.....  
MR. JUSTICE RICHARDSON.—I don't think there is anything in the objection of Mr. Johnston and I overrule it. Are there any other demurrers?

MR. OSLER.—The clerk will ask the prisoner whether he is guilty or not.

CLERK.—Louis Riel, are you guilty or not guilty?

PRISONER.—I have the honor to answer the Court I am not guilty.

MR. FITZPATRICK.—I have now to state that I have to ask an adjournment till to-morrow morning to enable us to prepare some affidavits we require to produce to show why we are not in a position to proceed with the trial at the present moment.

HIS HONOR.—Jurors will understand that they are to be continually in attendance, as also witnesses on both sides.

We will adjourn till 10 o'clock to-morrow.

Court then adjourned.

REGINA, July 21st, 1885.

The clerk opened the Court at 10 o'clock.

HIS HONOR MR. JUSTICE RICHARDSON: Call the jury.

The clerk calls over the list of jurors.

THOMAS PREL, one of the jurors.—Your honor, on account of being post-master and contractor to carry the mails, I beg to be relieved.

HIS HONOR.—I fear I have no power to relieve you now, you were fairly drawn out of a large number of names, and I do not think that I can discharge you now.

HIS HONOR.—I have noticed several jurors who were summoned do not appear. Is it the desire that proceedings should be instituted against them?

MR. ROBINSON.—Not if we can get on without them.

MR. LEMIEUX.—Mr. Watson, will you please swear the prisoner to these affidavits.

The clerk swears the affidavits.

MR. GREENSHIELDS.—Please your honor, we renew the application made yesterday afternoon for an adjournment of this trial. In the interval since the adjournment we



have had three affidavits prepared, two of the senior counsel, Messrs Lemieux and Fitzpatrick, and one of the accused. We base our application to a large extent upon those affidavits.

HIS HONOR.—Have they been shown to the counsel for the Crown?

Mr. ROBINSON.—We have seen them just lately, we will look over them again.

Mr. GREENSHIELDS reads the affidavits annexed hereto. ....

MR. JUSTICE RICHARDSON.—The order will be that the trial stands adjourned, that it proceeds peremptorily on Tuesday morning next, the 28th instant, at ten o'clock. With regard to the Jury, I don't feel inclined to keep them in attendance, and I propose to caution and warn them to return on Tuesday morning.

TO THE JURYMEN.—You gentlemen in the audience who have been warned as jurors, will understand from what has been said, that your services will not be required now till Tuesday next, at ten o'clock a.m., and you are at liberty now to return to your homes if you please. The fees that are usual for the double journey, will be paid by the Crown. Perhaps it is not necessary for me to make any remarks touching you personally, but knowing the fact that you are called upon to act as jurors in this case, kindly think of the position you occupy, and neither talk to anybody about the trial, nor allow any person to talk to you or bring you in conversation.

The Court was accordingly adjourned at 11.45 a.m. till the 28th July, at ten a. m.

*Affidavits filed on motion for adjournment.*

CANADA,	}	THE QUEEN <i>vs.</i> LOUIS RIEL,
North-West Territories.	}	charged under the North-West Territories Act of 1880.

I, LOUIS RIEL, the said accused, being duly sworn, do depose and say:

That Gabriel Dumont and Michel Dumas, now of Helena, in the United States of America, in the Territory of Montana, are essential and material witnesses to my defence.

That Napoleon Nault, of Turtle Mountain, in the United States; the Rev. Father Touse, of Sacré-Cœur; the Rev. Father André, of St. Antoine; the Rev. Father Fourmond, of St. Laurent; all in the North-West Territories of Canada; S. Vankoughnet and A. M. Burgess, of Ottawa, in the Province of Ontario, are also essential and material witnesses for my defence.

That the said S. Vankoughnet is Deputy Minister of Indian Affairs, and the said Burgess is Deputy Minister of the Interior, both of whom are in their official capacity, the custodians of various official documents, petitions and representations, made by the Half-breeds of the North-West Territories to the Government of the Dominion of Canada, praying for the redress of their grievances, the refusal to grant which led to the legal agitation of the people to secure the redress of their wrongs. The said papers, petitions and documents, as nearly as I can now describe them, are as follows: The report of Mr. Pierce relating to the settlement of Prince Albert; a letter of the said Pierce, addressed to the Minister of the Interior, of date, the 17th of January, 1884. A letter from Mr. Deville, addressed to the Deputy Minister of the Interior, of date, 7th February, 1884. A letter from Father Berginville, addressed to Capt. Deville, of date, 19th January, 1884. A petition by the inhabitants of St. Louis-de-Langevin, forwarded to Sir John A. Macdonald, about the 19th November, 1883. A letter from the Land Commissioner, Mr. Pierce, dated, 14th September, 1883. A letter from Fathers Leduc and Malony, addressed to the Hon. D. L. Macpherson, acting Minister of the Interior. A petition from the settlers of Prince Albert, in the North-West Territories,

forwarded during the winter of 1882 and 1883, and signed by a large number of said settlers. A petition from St. Antoine-de-Padoue, addressed to Sir John A. Macdonald, as Minister of the Interior, of date, the 14th September, 1882. A petition from Gabriel Dumont and others, of the 4th September, 1884, addressed to the Right Hon. Sir John A. Macdonald, as Minister of the Interior. A petition presented by the Rev. Father André to the Lieutenant Governor in Council, in the month of June, 1881. A petition presented by the inhabitants of Prince Albert to the Minister of the Interior. A letter from Land Agent Duck, dated the 15th of November, 1878, addressed to the Minister of the Interior. A petition by the French-Canadians and Half-breeds of Prince Albert presented by Mr. Laird to the Government of the Dominion of Canada. A resolution passed by these settlers of St. Laurent of the 1st of February, 1878, forwarded to the Government of the Dominion of Canada. A petition presented by the Qu'Appelle Half-breeds in August or September, 1881, to Sir John A. Macdonald, as Minister of the Interior. A resolution of the Council of the North-West Territories, of the date of 2nd August, 1878.

That I have reason to believe, and do verily believe, and I am informed on reliable authority, that all of the aforementioned documents were duly forwarded to the Government of Canada, and are now in the possession of the various Departments, and can be procured by the above-named witnesses.

That all the above-named witnesses are material and essential to me in my defence, and will prove that the agitation in the North-West Territories was constitutional and for the rights of the people in said North-West.

That without the said witnesses being heard in Court, I cannot make a proper defence to the present charge and will be deprived of justice.

That I have no means with which to defray the expenses of the said witnesses and to procure their attendance here in Court or to retain counsel.

That unless the Government of this country or this Honorable Court do provide the means with which to secure the attendance of the above-named witnesses, before this Court, it is essential to my defence that the various papers, writings and documents taken from me at the time of my surrender to General Middleton and taken by him and his officers from my house subsequently should be placed in the hands of my counsel for their examination and consideration, previous to being put upon my trial.

That it is impossible for me to state the exact description of the said papers, writings and documents, as the excitement under which I was laboring during the time of my surrender and some days subsequently and previous thereto, render it impossible for me to describe the said documents.

That I believe among the said documents is a certificate of the Courts of the United States of America that I was duly naturalized as a citizen of the United States, which I was, but if the said certificate is not among the said papers, it is essential to my defence that I should be given an opportunity of obtaining the said certificate by means of which I can establish that, at the time of the commission of the alleged offences, I was a citizen of the United States of America, and was not a British subject, as charged in the said information.

That in order to properly prepare for my defence I require at least a delay of one month, and I have signed.

(Signed),

LOUIS RIEL.

Sworn and acknowledged before me this }  
21st day of July A. D. 1885, at Re- }  
gina, in the North-West Territories. }

(Signed),

DIXIE WATSON, *Clerk*.

CANADA, }  
 North-West Territories, } THE QUEEN vs. LOUIS RIEL.

FRANÇOIS XAVIER LEMIEUX, Barrister, one of the counsel of Louis Riel, the accused, being duly sworn, deposes and says :

That in the course of last June, towards the end of the month, he was retained by persons interested on behalf of the accused to undertake his defence.

That persons were instructed to cause to be brought to Regina essential and necessary witnesses in the defence of Louis Riel, and believed to be such by the deponent.

That the witnesses above referred to are Doctor François Roy, of Quebec, Doctor Clark, of Toronto, and Doctor A. Vallée, of Quebec.

That the deponent verily believes that the said witnesses would have reached Regina by this time, but by reason of misapprehension and circumstances beyond control, the said witnesses have failed or have not been able to be present in order to give their evidence.

That from his experience as a counsel and advocate he swears that the said Drs. Roy, Vallée and Clark are necessary, material and indispensable witnesses for the defence of the accused, and moreover, are the sole witnesses capable of proving certain important facts relating to the said defence.

That the deponent verily believes that if a delay of one month is granted he can procure the said witnesses by going himself to Quebec and Toronto, and that, at the expiration of the said delay, the above-named witnesses will be present at the Court to give evidence in favor of the accused.

And the deponent has signed.

(Signed),

F. X. LEMIEUX.

Sworn before me, at Regina, this }  
 21st day of July, 1885. }

(Signed),

DIXIE WATSON, *Clerk.*

CANADA, }  
 North-West Territories, } THE QUEEN vs. LOUIS RIEL.

On trial under sub-section 5 of section 76 of the North-West Territories' Act of 1880, before their honors Hugh Richardson, S. M., and Henry LeJeune, J. P., and a jury of six.

I, Charles Fitzpatrick, of the city of Quebec, one of the counsel of the above-named Louis Riel, make oath and say :

1. I was retained for the defence of the said Louis Riel in the month of June last passed, and immediately thereafter put myself in communication with my said client and others, with the view of obtaining such information as would enable me to set up such defence as in the interest of my said client would be most beneficial.

2. Owing to the distance of Quebec from my client, it was not until the 29th day of the said month of June I was instructed by the accused, and then only partially.

3. Since the receipt of the said instruction, I have been diligently endeavoring to obtain the attendance of the witnesses for the accused, but as he, the accused, is a man of little or no means, and had to raise funds for his defence through his friends in the Province of Quebec, it was an utter impossibility to obtain their attendance in time for his trial.

4. I have been instructed since my arrival in Regina, that the requisite funds have

been raised to secure the attendance of the said witnesses for the defence, who are material and necessary, and without whose evidence we cannot proceed to trial.

5. Some of the facts intended to be proved by such witnesses, are that the accused for several years was insane, and had to be confined in a lunatic asylum in the Province of Québec, and would get deranged; also, the circumstances under which the accused left his home in Montana, and came to this country, at the solicitations of his friends, in the year one thousand eight hundred and eighty-five; the nature of the agitation in the North-West, and the constant advice given by the accused to limit the agitation to constitutional means and peaceful measures; the desire expressed by the accused to leave the country in the month of February last passed, and the objections of the people to his returning to Montana aforesaid; that the alleged rebellion was commenced and conducted under the direction of a council of fourteen persons, of which council the prisoner was not a member; and that he did not participate in any engagement or commit or countenance any overt act of treason.

6. These facts can be proved by Gabriel Dumont, Michel Dumas, Napoléon Nault, Dr. Roy, of Québec, Dr. Clark, of Toronto, and Dr. Vallée, of Québec, whose attendance at the trial I verily believe can be secured, if sufficient time for that purpose is granted to the defence.

(Signed),

C. FITZPATRICK.

Sworn before me, at Regina, this }  
21st day of July, 1885. }

(Signed), DIXIE WATSON, *Clerk*.

REGINA, tuesday, July the 28th, 1885.

The Court met at ten o'clock a.m.

MR. OSLER opened the case to the Jury.

The witnesses were then called as follows:

DR. JOHN H. WILLOUGHBY, sworn, examined by Mr. Robinson.

Q. You are a medical man?—A. Yes.

Q. Where are you practising?—A. At Saskatoon.

Q. How long there?—A. I have been there since two years last May.

Q. How far is Saskatoon from Batoche?—A. About 50 miles.

Q. Do you remember going to Batoche about the 16th March last?—A. I do.

Q. Did you go alone?—A. No, I was accompanied by . . . . .

Q. By whom?—A. A half-breed named Norbert Welsh.

Q. And at what house did you go to stop when you got to Batoche?—A. I stopped with George Kerr.

Q. Is that the Kerr Brothers?—A. Yes, at their store.

Q. Did you hear anything of any anticipated difficulty?—A. I did.

Q. Where?—A. I heard it at Mr. Kerr's store.

Q. How long did you remain at Batoche then?—A. Two days.

Q. You went on the 16th, when did you leave it?—A. I remained over the 17th and left upon the 18th.

Q. Did you see any one on the 17th, did you hear anything then of any disturbance anticipated, did you hear any rumour of possible difficulties?—A. I did hear rumors.

Q. When you left Batoche, whom did you go with?—A. I left with Mr. Welsh and Mr. Macintosh.

Q. Had Welsh any object in view, did he desire to see any one from Batoche?—A. We were leaving Batoche for Saskatoon.

Q. You were with Welsh?—A. Yes.

Q. Was he desirous to see any one, as far as he explained to you?—A. He was desirous of seeing Riel.

Q. Did you go with him for that purpose?—A. I did.

Q. Where did he expect to find Riel then?—A. I hardly know where he expected to find him, he was informed on the road by Gabriel Dumont as to Riel's whereabouts.

Q. Did you find Riel?—A. Yes.

Q. Where?—A. At the house of a Half-breed named Rocheleau.

Q. What is his christian name?—A. I don't remember.

Q. How far south of Batoche was that?—A. Six or seven miles.

Q. Did you know Riel at that time?—A. I had met him before.

Q. How long before?—A. About four months.

Q. About the December or January before?—A. Yes, in November, I believe.

Q. Whereabouts?—A. I met him at the house of Moise Ouellette.

Q. Had you been introduced and spoken to him then?—A. I had spoken to him then.

Q. You knew him by sight?—A. Yes.

Q. When you met him at Rocheleau's, did he say anything to you?—A. He did.

Q. What did he say?—A. Well, he told me the time had come for the Half-breeds to assert their rights.

Q. Do you mean that was the first thing or almost the first thing he said to you, did he ask you any question at all?—A. When I entered the house, I spoke to him. I sat opposite to him, and very little was said for a few moments. Presently, he got up and passed in front of me, and he suddenly stopped and turned to me and said; The time has come when it would have been well for a man to have been good or to have led a good life.

Q. Did he say anymore then?—A. I replied to that.

Q. What did you say, do you remember?—A. I cannot remember what I did say, something to the effect it would be better for a man to always lead a good life and be prepared for any emergency.

Q. What took place next?—A. Just at that time a large crowd of men drove up to the door of Rocheleau's house.

Q. How many do you think?—A. I would judge about 60 or 70.

Q. Were they Half-breeds?—A. Half-breeds.

Q. Were they armed?—A. They were.

Q. All armed, as far as you observed?—A. No, there were some who were not armed.

Q. Were the majority armed?—A. The majority were armed, I only remember seeing one who was not armed.

Q. What were the majority armed with?—A. The majority, I believe, had shot guns, appeared to me to be shot guns. They were outside and I was in the house.

Q. This would have been on the 17th March, if I understand it rightly?—A. The 18th. It was on a Wednesday, I believe, the 18th.

Q. When this crowd came, did the prisoner say anything to you?—A. It was just as they drove up he addressed me. He then said the Half-breeds (he and his people, I believe, he put it) intended to strike a blow to gain their rights.

Q. Did you make any answer?—A. Yes, I replied there were different ways to gain their rights, the white settlers took a different way in having their grievances settled. He replied no one knew better than he did as to the grievances of the settlers. And he said: I and my people have time and time again petitioned the Government to redress our grievances, and he said: The only answer we received each time has been an increase of police.

Q. He said they had time and time again petitioned the Government for redress, and the only answer they received each time was an increase of the police?—A. Yes.

Q. What next did he say?—A. He said: Now I have my police, referring to the men at the door.

Q. Those 60 or 70 men?—A. Yes. He pointed to them and he said: You see now I have my police. In one week that little Government police will be wiped out of existence.

Q. Well, what next?—A. I believe, I said, if he intended to attack the police or raise a rebellion, they should look after the protection of the settlers, there being no ill will among the settlers towards the Half-breeds.

Q. What next?—A. He told me I was from Saskatoon, and as a settler from Saskatoon, I had no right to speak for the welfare of the settlers, and charged the settlers at Saskatoon with having offered to aid the mounted police, at Battleford, to put down an Indian rising last autumn.

Q. Repeat that.—A. He said that I, as a citizen of Saskatoon, had no right to ask protection, because...

Q. Because the people of Saskatoon had aided the police?—A. He said they offered men to kill the Indians and Half-breeds.

Q. That was the reason why he said the settlers of Saskatoon had no right to protection?—A. He said: We will now show Saskatoon or the people of Saskatoon who will do the killing.

Q. Go on.—A. He made a statement as to my knowledge of his rebellion, that is of the former rebellion in 1870, and he said that he was an American citizen living in Montana, and that the Half-breeds had sent a deputation there to bring him to this country.

Q. What else?—A. That in asking him to come they had told their plans, and that he had replied to them to the effect that their plans were useless.

Q. Did he say what the plans were?—A. No, I believe not, but that he had told them that he had plans, and that if they would assist him to carry out those plans he would go with them.

Q. Did he tell you what those plans were?—A. Yes, he did.

Q. What were they?—A. He said the time had now come when those plans were mature, that his proclamation was at Pembina, and that as soon as he struck the first

blow here, that proclamation would go forth, and he was to be joined by Half-breeds and Indians and that the United States was at his back.

Q. Did he tell you anything more ?—A. He said that knowing him and his past history, I might know that he meant what he said.

Q. Anything else ?—A. He said that the time had come now when he was to rule this country or perish in the attempt.

Q. Go on.—A. We had a long conversation then as to the rights of the Half-breeds and he laid out his plans as to the government of the country.

Q. What did he say as to the government of the country ?—A. They were to have a new government in the North-West. It was to be composed of God fearing men, they would have no such parliament as the house at Ottawa.

Q. Anything else ?—A. Then he stated how he intended to divide the country into seven portions.

Q. In what manner ?—A. It was divided into seven portions but as to who were to have the seven, I cannot say.

Q. You mean to say you cannot say how these seven were to be apportioned ?—A. Yes, he mentioned Bavarians, Poles, Italians, Germans, Irish. There was to be a new Ireland in the North West.

Q. Anything more ? Did he say anything about himself or his own plans ?—A. I recollect nothing further at the present time.

Q. You say he referred to the previous rebellion of 1870, what did he say in regard to that ?—A. He referred to that and he said that that rebellion, the rebellion of fifteen years ago, would not be a patch upon this one.

Q. Did he say anything further with regard to that ?—A. He did ; he spoke of the number that had been killed in that rebellion.

Q. What did he say as to that ?—A. I cannot state as to what he said, but it was to the effect that this rebellion was to be of far greater extent than the former.

Q. Did he speak to the men who were there, or they to him when you were there ?—A. There were several men there when the cutter drove up to the door. The majority of them stayed outside in the sleighs and some of them came in.

Q. Yes ?—A. They spoke in French which I did not understand very well, but I understood him to tell them to go down to Champagne's house, and I understood him to be sending them there : most of the men then drove off and a few stayed behind.

Q. You cannot say what they asked him as your knowledge of french does not enable you to repeat the question they asked him ?—A. No, I cannot say.

Q. Now what did you do then ? Which left first, you or he ?—A. We had dinner.

Q. This conversation took place before dinner, or during dinner ?—A. Partly before, during and after dinner.

Q. You had dinner and what took place next ?—A. Riel prepared to go then to follow the others.

Q. Well, what next ?—A. As he was leaving he asked me, he stated personally he had no ill feeling towards me, but that I was a Canadian, but he put it in this way : as a Canadian I was a part of the canadian Government, and in our hearts there could be no friendship towards each other.

Q. Well, did you go before or after him ?—A. He left before me.

Q. Did he say where he was going ?—A. No, he did not.

Q. What did you do ?—A. I left immediately after he did and went on towards Clark's Crossing at the telegraph office.

Q. For what purpose ?—A. To make known what I had heard.

Q. To whom ?—A. My intention was to communicate with Regina, but when I got to Clark's Crossing, the wire was down between Clark's Crossing and Qu'Appelle.

Q. How far was it from Clark's Crossing that you had taken dinner ?—A. Something over 40 miles.

Q. Was that on your way to Saskatoon ?—A. It was.

Q. Then you intended to communicate with Regina, but when you got to Clark's Crossing the telegraph was down ?—A. Yes.

Q. What did you do ?—A. The only communication was with Battleford, and I informed Col. Morris.

Q. Who is Col. Morris ?—A. He was in charge of the police at Battleford at that time.

Q. You informed him of what you had heard ?—A. Yes.

Q. What was Mr. Welsh doing all this time ? Was he present at your conversation with Riel ?—A. He was.

Q. Did he, in Riel's presence, tell you anything or not ?—A. No, I believe not.

Q. Have you told me your whole conversation with Riel as far as you remember ?—A. I remember one point in regard to Orangeism.

Q. What was that ?—A. As Riel was leaving he expressed an opinion, he stated they would have no orangeism in the North-West. I said I hoped by orangeism he did not mean Protestantism. He turned excitedly and said he was glad I had mentioned it, that he certainly understood the difference between Protestantism and orangeism, and he then spoke of the different religions and beliefs and illustrated it by the example of a tree—the true church was the large branch of the tree, and the others, as they departed from it got weaker, up to the top of the tree.

Q. He illustrated his ideas of the different religious bodies in that way ? Have you told me all you can remember of your conversation with him ? Whilst speaking of sending the telegram last fall, offering to aid the police . . . —A. Sending which telegram ? He stated the Saskatoon people—that he had been furnished with a copy of the telegram sent by the Saskatoon people to Battleford last fall, offering to kill off the Half-breeds and Indians, and that, in consequence, the Saskatoon people had no right to ask for any protection ; and that was not the only telegram they had sent, that about 11 days before, I think, he said that they had again made such an offer. I mean that the people of Saskatoon had again made such an offer.

Q. Now is there everything else he said to you that you can remember, or have you told me everything ?—A. I believe I have told you everything.

Q. You went back to Clark's Crossing, and communicated what you had heard, to Col. Morris, and from that time onwards, where were you ?—A. I was at Saskatoon and Clark's Crossing.

Q. Then, do you know anything more of your own knowledge of Riel, in connection with this rebellion. I mean not what you have heard ?—A. No, I know nothing further.

Examined by MR. FITZPATRICK.

Q. If I mistake not, you said you saw Riel for the first time, about the month of November, 1884 ?—A. About November.

Q. Did you see him for any length of time then ?—A. I did not.

Q. Did you—you never saw him again till the 17th of March, 1885 ?—A. I believe not.



Q. During that interval of time, you are aware there was an agitation going on throughout that section of country?—A. I was perfectly well aware of it.

Q. The first time you ever heard of any reference to an appeal to arms in connection with this agitation, was during this interview, in March last, with Riel?—A. That was the first I heard.

Q. Riel was not armed on that occasion?—A. He was.

Q. What had he with him?—A. As he left the house. . . .

Q. I am speaking of the time you had the conversation in the house. Was he armed then?—A. He was not armed at that time.

Q. When you first began to talk with Riel, he first mentioned to you the fact that it now became necessary for all men to reflect that it was a good thing to live well?—A. That was the first remark.

Q. Shortly after he made that remark he placed up and down the floor? A. That was before he made the remark.

Q. Then, he began telling you about his intention to subdivide these provinces into seven?—A. He did not.

Q. He told you he intended giving the province of Quebec to the Prussians or Germans?—A. He did not.

Q. Did he say anything as to the manner he was going to divide, did he refer to the Bavarians, Hungarians and other peoples?—A. He did.

Q. What did he say he was going to do with these people?—A. They were going to assist him in the rebellion, before this war was over, and that they would have their portion of the country.

Q. By country what did he allude to?—A. The North West Territories.

Q. Exclusively?—A. As I understood it.

Q. Would you now indicate to us the different peoples he expected to assist him?—A. The Irish of the United States, the Germans, the Italians, Bavarians and Poles, and Germany and Ireland.

Q. We have had Germany and Ireland twice?—A. Well, he put it twice. He put the Irish and Germans of the United States, then Germany itself was to come into line.

Q. The Bavarians also?—A. Yes.

Q. The Hungarians?—A. I don't know. I don't believe he said anything as to the Hungarians.

Q. The Poles did he intend to give them a chance too?—A. He did.

Q. He also stated to you he was giving the Jews a portion of the province?—A. Not that I remember, he did not mention them while I was there.

Q. Did he explain to you, at that time, as to what progress he had made towards completing negotiations he had had with these peoples for their assistance?—A. He did not.

Q. You did not think it necessary to ask how he intended to carry out this agreement, or if he had made any endeavors to have an understanding about this?—A. I did.

Q. What did he say about this?—A. I tried to find from him his plans, to get what information I could, and he seemed unwilling, he took good care to unfold none of his plans.

Q. You said he had unfolded his plans as to subdividing the province?—A. Yes.

Q. Did you then ask him if had entered into negotiations with these different peoples, in order to get their assistance?—A. No, I did not ask him that.

Q. You did not ask him how he expected to get these people into the country either, did you?—A. No, I did not.

Q. Don't you think that would have been a very necessary question, to put in order to get at the bottom of his plans?—A. I believe not.

Q. You thought all his plans were very reasonable and acceptable?—A. I had my own opinion regarding them.

Q. What is that opinion, be good enough to let us know it?—My opinion at that time was that that was about the last that would be heard of it.

Q. You never had heard anything of these plans before?—A. From him?

Q. From him or anyone else?—A. Nothing of that kind with regard to this country.

Q. In regard to the plan he submitted to you, did you ever hear of such a plan before?—A. No, I never did.

Q. Did it strike you as being at all peculiar?—A. Rather a little.

Q. When he spoke to you on religious subjects, did you understand him to tell you that, in his religion, Christ was the foundation, and represented the trunk of the tree, and the different religions might be considered as representing the branches of the tree?—A. I did.

Q. Did he say what position he occupied with reference to the trunk or with reference to Christ?—A. He stated his Church was the strongest branch.

Q. During all this time, during all this conversation, I think you stated Mr. Welsh was present, was he not?—A. He was.

Q. Where is Mr. Welsh now?—A. I believe he is at Fort Qu'Appelle.

Q. That is about 40 miles from here?—A. About 50 miles.

Q. When you said Mr. Riel explained his religion was the strongest branch, did he say what his religion was?—A. He did, he said the Roman Catholic Church.

Q. He did not say anything further than that about his religion?—A. No.

Q. Did he speak anything about the Pope?—A. No, I believe not. Nothing that I can remember.

Q. You don't remember anything further of this conversation with Riel, except what you have stated?—A. I remember nothing further.

Q. Of course, the plans he unfolded to you about the conquest of the North-West, did not strike you as anything extraordinary for a man in his position to assert?—A. It did certainly.

Q. It appeared to you a very rational proposition?—A. No, it did not.

Examined by Mr. ROBINSON.

Q. You said Riel was not armed in the house, did you see him armed at all?—A. I saw him armed as he drove off from the house, he was supplied with a gun as he got into the sleigh.

Q. Do you know by whom he was supplied with a gun?—A. No, I don't know. I could not say by whom it was given him.

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THOMAS MACKAY, SWORN, examined by Mr. Robinson.

Q. Mr. Mackay, where do you live?—A. Prince Albert.

Q. You were born in this country?—A. Yes.

Q. How long have you lived in Prince Albert?—A. I have been in Prince Albert district since July, 1873.

Q. You remember, of course, the disturbance which took place in March last?—  
A. Yes.

Q. Can you tell me when you first heard of that and when you first took any part in consequence of it?—A. I had heard of the agitation for some time in the early part of March. I heard that the prisoner was inciting the Half-breeds to take up arms.

Q. Well?—A. On the morning of the 20th, Captain Moffatt and Captain Moore came to my house, between two or three o'clock in the morning, and they brought a letter from Major Crozier, stating that he had been informed on good authority that the French, under the leadership of the prisoner, had risen and taken Mr. Lash and some other prisoners, and had robbed the stores of Walters and Baker and Kerr Brothers. He also, in the same communication, asked for a detachment of some 60 to 70 volunteers to go up to reinforce the police, at Fort Carlton.

Q. Well?—A. I went down to the town and went to a number of the people there and told them what we had heard, and asked them to meet us, in James Elliott's rooms, in town. We met there and decided—we thought that we could not spare the number of men, as we had to look after the town and our families.—We went out with something like 40 men. Captain Moore enrolled 40 men, and we started about two o'clock in the afternoon of that day.

Q. For what place?—A. Fort Carlton.

Q. How far was Fort Carlton from Prince Albert?—A. Between 40 and 50 miles.

Q. When did you get to Carlton?—A. We arrived at Carlton between ten and eleven that night.

Q. What day was that?—A. The 20th.

Q. Fort Carlton was then held by a force of Mounted Police, under Major Crozier?—A. Yes.

Q. You reported to him?—A. Yes, reported to him.

Q. Did you remain there that night?—A. When I arrived there, I found Mr. Mitchell, from Duck Lake, was at Fort Carlton. He had a letter from Mr. Riel, I believe. The letter, I think, was regarding the surrender of Fort Carlton. I did not see it. When I left Prince Albert, I had decided to go on to Batoche, where the rebels had made their headquarters. When I found Mitchell there, he asked me to go along with him, that I might be of some use.

Q. For what purpose did you decide to go to Batoche?—A. To see if I could point out to them the danger they were getting into in taking up arms. I knew a great many of them were ignorant and did not know what they were doing, and I thought I might induce them to disperse. I went to see if I could be of any use in preventing any outrage. An hour after I got there, I went to Duck Lake, and we found two or three of Riel's men there, Joseph and Baptiste Arcand. They had come from Batoche to meet Mr. Mitchell. I had a long conversation with them, and I invited them and tried to induce them to drop the movement. I told them at the same time I had enrolled as a volunteer, that I was one of the first to put my name down as a volunteer, and at the same time I told them that any thing they should say, I should report to the Commanding Officer, and if there was anything they did not wish me to hear, they should prepare themselves accordingly. After an hour or two of conversation with them, they went on to report at their head quarters, that I was coming with Mr. Mitchell.

Q. They went before you to report that you were coming?—A. Yes.

Q. What took place?—A. We arrived at the river about eight or nine o'clock in the morning.

Q. You had travelled all night?—A. Yes.

Q. You did not arrive that night?—A. No; when we got to the river I found a

number of armed men around Walter & Baker's store. A centry hailed us and took us to the guard.

Q. How many armed men did you find?—A. Twelve or fifteen outside. There were some more in the store.

Q. They took you to the guard?—A. There was a sentry about fifteen to twenty yards on this side of the store.

Q. Did he stop you?—A. He stopped us and took us on.

Q. Did you know his name?—A. No.

Q. Where did he take you to?—A. To the guard that was stationed around Walter & Baker's store.

Q. Well?—A. Phillip Guardupuy came out and said he was deputed to show us across the river.

Q. You were then on the North side of the river?—A. Yes. He got into the sleigh and took us across to their council room.

Q. Where was their council room?—A. The council room at that time, was a little building just south of the church. I do not know whom it belonged to. It is burned down now. It was just near the church.

Q. Whom did you find in the council room?—A. A number of men.

Q. Armed?—A. Yes, they were armed.

Q. These twelve or fifteen men you have referred to, were they armed?—A. Yes. Philippe Guardupuy was not armed, but the rest were. We went into the council room, and I went around the table and among them, and finally was introduced to the prisoner. That was the first time I had seen him.

Q. Where were you introduced to him?—A. In the council room.

Q. You say that was the first time you had seen him?—A. Yes.

Q. Who were in the council room when you were introduced to him?—A. Quite a number. \* They were moving in and out.

Q. Would you say there was a dozen men in the room?—A. Yes; more than that.

Q. Who introduced you to the prisoner?—A. Mr. Mitchell introduced me to Mr. Riel, as one of Her Majesty's soldiers.

Q. That is Mr. Hilliard Mitchell?—A. Yes. I shook hands with Mr. Riel and had a talk with him. I said: There appears to be great excitement here, Mr. Riel. He said: No, there is no excitement at all, it was simply that the people were trying to redress their grievances, as they had asked repeatedly for their rights, and that they had decided to make a demonstration. I told him that it was a very dangerous thing to resort to arms. He said he had been waiting fifteen long years, and that they had been imposed upon, and it was time now, after they had waited patiently, that their rights should be given, as the poor Half-breeds had been imposed upon. I disputed his wisdom and advised him to adopt different measures.

Q. Did he speak of himself at all in the matter?—A. He accused me of having neglected my people. He said, if it was not for men like me, their grievances would have been redressed long ago. That, as no one took any interest in these people, he had decided to take the lead in the matter.

Q. Well?—A. He accused me of neglecting them. I told him it was simply a matter of opinion. That I had certainly taken an interest in them, and my interest in the country was the same as theirs, and that I had advised them time and again, and that I had not neglected them. I also said that he had neglected them a long time, if he took as deep an interest as he professed to. He became very excited, and got up and said:

You don't know what we are after—it is blood! blood! We want blood! It is a war of extermination! Everybody that is against us is to be driven out of the country. There were two courses in the country, the government and the Hudson Bay company.

Q. Yes!—A. He turned to me and said I was a traitor to his government. That I was a speculator and a scoundrel and robber and thief, and I don't know what all.

Q. He used very violent language to you!—A. Yes. He finally said it was blood, and the first blood, they wanted was mine. There were some little dishes on the table, and he got hold of a spoon and said: You have no blood—you are a traitor to your people. Your blood is frozen, and all the little blood you have will be there in five minutes, putting the spoon up to my face and pointing to it. I said: If you think you are benefitting your cause by taking my blood you are quite welcome to it. He called his people and the committee, and wanted to put me on trial for my life, and Garnot got up and went to the table with a sheet of paper, and Gabriel Dumont took a chair on a syrup keg, and Riel called up the witnesses against me. He said I was a liar, and he told them that I had said all the people in that section of the country had risen against them. He said it was not so, that it was only the people in this town. He said he could prove that I was a liar by Thomas Scott.

Q. Was Thomas Scott there!—A. Yes; he said so.

Q. Well!—A. He called for Garnot, the secretary, and called for the witnesses, and they would assent to what he said.

Q. Which of the two Arcands was there!—A. Baptiste. He was putting words to their mouths, saying things I did not understand at all. When I saw what he was driving at, I said: I am here, and if you wish to hear me speak for myself I will do so. I said: There is no necessity for Mr. Riel telling what I have to say. If you wish to hear me I will speak, and if not, I won't. They said yes. I said: Mr. Riel, I suppose you understand Cree? He said yes. I did not speak French, and I said: I will speak in Cree. I spoke in Cree.

Q. You spoke in Cree and told them what you have said!—A. Yes, and what had occurred. Champagne got up and said I told them Riel was threatening to take my life. I said if you think by taking my life you will benefit your cause you are welcome to do so. He said no, they did not wish anything of that kind. They wanted to redress their grievances in a constitutional way. Riel then got up and said he had a committee meeting of importance going on upstairs, and he went upstairs.

Q. Did he return!—A. I spoke to them for quite a while, and he occasionally came down and put his head down stairs and said I was speaking too loud, that I was annoying their committee meeting. When I said what I had to say, I asked for something to eat, that I was pretty hungry, I got something, and after I got through, there was a lot of blankets in the corner, and I laid down there till Mitchell was ready.

Q. Where was Mitchell at the time!—A. Up stairs. When he got through he came down with the prisoner, and I told him to wait awhile, and we left for Fort Carlton. When he came down, he, Riel, apologised to me for what he had said, that he did not mean it to me personally, that he had the greatest respect for me personally, but that it was my cause he was speaking against and he wished to show he entertained great respect for me, he also apologised in french to the people there, and he said as I was going out that he was very sorry I was against him. That he would be glad to have me with them, and it was not too late for me to join them yet. He also said this was Crozier's last opportunity of averting bloodshed, that unless he surrendered Fort Carlton, an attack would be made at 12 o'clock.

Q. He said if Major Crozier did not surrender, the attack would be made at 12 o'clock that night!—A. Yes.

Q. Was there anything more!—A. That was all I had to do with him then and I then left.

Q. What did you then do?—A. I went to Carlton.

Q. That would have been on the morning of the 21st?—A. Yes.

Q. About what time?—A. One or two in the afternoon of the 21st.

Q. What happened on the way?—A. I met a number of armed people coming into Batoche.

Q. How far from Batoche?—A. About two miles.

Q. You met a number of armed people in sleighs?—A. Yes, in sleighs, Indians and Half-breeds.

Q. Indians from what reserve?—A. I did not recognize the Indians.

Q. How many sleighs full?—A. Five or six I met on the road. I spoke to them, I knew two or three of the men who were there. I asked them what all this was about, they jumped out of the sleighs and shook hands with me, and told me they had been sent for and taken by Albert Monkman who was driving the team.

Q. How many altogether were there?—A. In one sleigh there were five, and, I think, in another there were six. Altogether there must have been 20 or 25.

Q. Were they all armed?—A. I could not say, because they were sitting down. I saw rifles and guns along with them.

Q. You went back to Carlton?—A. Yes.

Q. Did you meet many men on the way?—A. That is all we met on the road. When we got to Duck Lake, there was a trail coming from the east and west, and we saw some sleighs passing there and some sleighs passing along the Lake.

Q. Then when did you get to Duck Lake or to Carlton rather?—A. About four o'clock.

Q. What was your object in returning to Carlton?—A. I was just returning. As I was just going away from the council room, I overtook Emmanuel Champagne, he was walking along the road with Jackson, who was with Riel at that time. I told him to get into the rig and I thanked him for the stand he had taken. I told him if I could be of service to him in any way I would never forget the services he had rendered me. He told me then they had decided to send two men to Major Crozier, but they were afraid of treachery, that they were afraid they would be arrested. I said you need not be afraid I will be one of the party that will come out, and you may tell them they will not be interfered with at all. When we got to Carlton, Mitchell delivered the letter to Major Crozier, and I think it was asking him to meet him half way some time that night, and that Riel did not choose to meet Major Crozier himself, but that he had sent two men.

Q. Did you go as representing Major Crozier?—A. Yes. About an hour after we had reached there, Charles Nolin and Maxime Lepine came up driving in a cutter. We were mounted. We told them what Major Crozier had said, that they should give us the names of the leaders of the movement, and that they would have to answer to the law, but that a great many of them who had been forced into the movement, that they should be dealt leniently with. Nolin said Riel and his council demanded the unconditional surrender of Fort Carlton and nothing else would satisfy them, and if they did so, no harm would be done them, that they would give a safe-conduct home. We said there was no use discussing the matter at all as we said the matter could not be entertained at all, that all we had to say was to advise them to disperse and go home, and that the leaders of the movement would have to be answerable to the law. He then said he had a letter which he was told to hand us, that it would be no use to hand it, as Fort Carlton was not to be surrendered. I thanked them for the stand they had taken when I had been there that morning and I returned to Carlton.

Q. Is that all that passed between you and Capt. Moore, and Nolin and Lepine ?—  
A. Yes.

Q. Then what did you do ?—A. We returned to Carlton.

Q. How long did you remain there ?—A. I remained there till the 24th.

Q. You had got as far as the 23rd. You gave me an account of your interview in the council chamber—of your trial, you spoke of Garnot ; Philippe Garnot, I think, you said ?—A. Yes, Philippe Garnot.

Q. What capacity did he act in ?—A. As secretary.

Q. Of the council ?—A. Yes, taking notes of the evidence.

Q. Which was given against you ?—A. Yes.

Q. Well, did any one ask him to act ?—A. Riel called for the secretary and then Garnot came forward.

Q. And took his seat at the table ?—A. Yes, as secretary of the council.

Q. Now on the 21st you got back to Carlton, how long did you remain there ?—A. till the 24th.

Q. What did you do then ?—A. On the night of the 24th, between ten and eleven o'clock, Crozier asked me to go and see if I could hear anything of Major Irvine.

Q. Was he expected ?—A. We heard that he left Regina with reinforcements, but nothing had been heard of him.

Q. You heard that he had left Regina ?—A. That he was to leave at a certain time.

Q. And nothing had been heard of him up to that time ?—A. Yes.

Q. On the 24th Crozier asked you to go and see if you could find anything about him ?—A. I started and took the trail to Prince Albert, the wire was tapped about half way between Batoche, to see if anything had been heard of him at Prince Albert, before going any further. When about 23 miles out from Carlton, I met two messengers with a note for Crozier ; I opened the note and found that it was a note from inspector Moffatt, stating that he heard he was at the south branch, and that he expected him back that night. I found out that he had reached Prince Albert ; I saw him and told him that I was sent by major Crozier. I then returned to Fort Carlton, travelling all night and got into Carlton about four o'clock in the afternoon.

Q. With Col. Irvine ?—A. No, I left him. They had made a march that day of about seven miles, and he did not know whether he could make Carlton that day from there.

Q. You returned to Carlton ?—A. Yes.

Q. You got there between three and four o'clock ?—A. Between four and five.

Q. Having gone out and got tidings of Col. Irvine you returned at that time ?—A. Yes.

Q. What did you do next ?—A. I overtook a messenger with a note from Col. Irvine to Crozier, saying that he could not leave that day, that he would the next, the 26th. I had been travelling all night and turned in early ; after I turned in, I was told that Crozier wanted to send sergeant Stewart with teams, and an escort for the purpose of getting some provisions and flour from the store belonging to Mitchell, at Duck Lake, and that he wanted me to accompany the party, and we were to start at four o'clock the next morning, that would be the 26th. The next morning came and we got up and got ready, sergeant Stewart sent out an advance guard of four men on ahead towards Duck Lake, to see if the road was clear ; we followed with the teams and sleighs. I was riding on about a quarter of a mile ahead of the teams looking out. When I got within three or four miles of Duck Lake, I noticed on the road some people lying in the snow, there were

marks, I took them to be Indians. I noticed them communicating the signal by walking backwards and forward ; I suspected they were watching the trail. I got to within about a mile and a half of Duck Lake ; there is a ridge there a little to the north of the mail station ; when I got there I saw some mounted policemen, riding at a full gallop, and immediately after them there were some mounted men, following them ; I wheeled around and rode back as hard as I could make my horse go. There was a hill about a quarter of a mile away, I wanted to get to before they came. When I got within sight of the men I threw up my hands and told them to prepare and get their rifles ready. I told them that they were following the Mounted police. I told them to get their rifles, and said not to fire, whatever they do, I can ride out and if they want to fire they can have the first chance at me and you can defend yourselves. They were coming round the bluff, they were pretty close to the men, I saw they would overtake them, I knew they were excited, so I rode out as hard as I could, they then hauled up all but one man who came right on and who never hauled up at all, it was Patrick Flary. I asked them what they were about. They said : What are you about ? I said that we were going to Duck Lake, to get Mitchell's provisions. They said there were a great many there. I asked whether they were at Duck Lake, they said yes. They said we had better go back. I turned around and went towards the sleighs, as I was getting near to the sleighs, a party of perhaps 30 or 40 of them very excited, came upon us ; they were yelling and flourishing their rifles ; they were very excited. Gabriel Dumont was of the party ; he was very excited, jumped off his horse and loaded his rifle and cocked it, and came up to me and threatened to blow out my brains, he, and some others threatened to use their rifles ; I told them to be quite, that two could play at the game, Dumont talked very wildly, he wanted us to surrender. He said it was my fault that the people were not assisting them, and that I was to blame for all the trouble. I told him that we could not surrender, that I thought we had the best right to this property. Some of them jumped off their horses and went into the sleighs. I rode up and told the teamster to hold on to his horses. They made one or two attempts to snatch the lines, finally he fired his rifle over our heads ; they all stepped off the road and we went on the road to Carlton.

Q. Had any of the men got into the sleighs ?—A. Two of them went into one sleigh, and they went to a second team to try and get the lines.

Q. Then there was nothing, but the one shot fired ?—A. That is all.

Q. You returned to Carlton ?—A. Yes.

Q. How many teams had you on that occasion ?—A. Seven or eight.

Q. How many policemen ?—A. A policeman in each team, sergeant Stewart and some others.

Q. How many altogether ?—A. 15 or 16 ; there were 22 of us altogether, 15 policemen, I think.

Q. You returned to Carlton ?—A. Yes.

Q. What time did you get there ?—A. About ten o'clock.

Q. In the morning ?—A. Yes.

Q. What did you do then ?—A. As we returned to go back sergeant Stewart sent a man to report what had taken place.

Q. You had sent in a man in advance to report what had taken place ?—A. Yes.

Q. Well ?—A. When we got near Carlton, we met an advance guard coming out of Carlton, there were a number of teams, they were coming out of Carlton, and we wheeled around and went out with them.

Q. Who was in command of that party ?—A. Major Crozier.

Q. How many were there ?—A. 99.



Q. How many constables?—A. 56.

Q. Of the party that first met you the time you turned back you stated there were 30 or 40?—A. Yes.

Q. How many were Indians and how many were Half-breeds?—A. There were some Indians and some Half-breeds, I cannot tell you the proportion at all, I was not paying much attention, I kept my eyes on Jim Owen and one or two others.

Q. You met the advance guard coming out of Carlton, in all there were 99?—A. Yes.

Q. Major Crozier was in command?—A. Yes.

Q. Were there any sleighs?—A. Yes.

Q. How were the men?—A. Some mounted and some in sleighs.

Q. What is the distance from Carlton to Duck Lake?—A. About 14 miles.

Q. Did you join and go back with them?—A. Yes, the whole party.

Q. This would be on the 26th?—A. Yes. We went until we came to a house, about four miles from Duck Lake, when the advance returned and reported that there were some Indians in the house. I believe it was Beardy's house. He was in the house.

Q. Was it upon his reserve?—A. Yes.

Q. Well?—A. The interpreter went over and he came back again. I do not know what occurred between them. We went on and when we got to the same place where I returned back that morning, we saw the advance guard coming over the hill, in the same way as in the morning.

Q. Was the advance retiring?—A. Yes, at the same place as in the morning, and there was a number of men following them.

Q. About how many?—A. I cannot tell you, they were coming over the hill and they were scattered all along the road; there appeared to be quite a number of them. Major Crozier told us to unhitch the horses and make a barricade, and take the horses to the rear, when they came near; within half a mile, they made use of a blanket as a flag.

Q. White blanket?—A. Yes. Crozier went out and called his interpreter, and the two parties came near each other. They began to talk; in the meantime, they were running on the road getting behind us and behind the hills.

Q. They were changing their positions?—A. Yes.

Q. Well, what then?—A. While placing the sleighs, I heard some one calling out that they were firing upon us, and let them have it. I said: Wait till we get hurt. Just then, I turned my head kind of that way and saw Major Crozier lift his hand in the direction the firing was from and he said: Fire now. And the firing began then, and there was quite a skirmish for thirty or forty minutes after that.

Q. How long did it last?—A. Thirty or forty minutes. I did not take time in consideration.

Q. How many were killed on your side?—A. We left ten men upon the field, but one of them was wounded and turned up afterwards.

Q. Who was that?—A. Newett.

Q. The other nine?—A. Were dead. One mounted policeman was killed and several were wounded, two died just after we got to Carlton.

Q. You brought two back with you?—A. One, the others died after we got back to Carlton.

Q. What time did you get back to Carlton?—A. It must have been about four o'clock in the afternoon.

Q. How many were killed on the other side, you did not know at the time?—A. No.

Q. During the engagement, how many men would you judge to be engaged upon the other side?—A. We could not see them. I cannot tell that; some were in the house, some were behind the hills. There were two sleighs with two Indians in each behind us, and one Indian who was mounted; that was the Indian that was talking to Major Crozier; he was killed when the firing began.

Q. Would your observations enable you to say how many were engaged upon the other side?—A. The road seemed to be pretty well covered with them.

Q. Can you form any idea as to the number?—A. The road was straight and they seemed to cover a greater space than we covered, but I cannot say as to the number; they seemed to cover a greater space than we did.

Q. You cannot say the proportions of Indians and Half-breeds?—A. I cannot say. I saw five Indians, these Indians got behind us, one of them was killed.

Q. You did not recognize any of the people that were there?—A. I did not recognize any person.

Q.—You returned to Carlton and got there about four o'clock.—A. Yes.

Q. What did you do then?—A. They were some time attending the wounded. Col. Irvine got in about an hour after we got in and I think it was that afternoon or the next morning that he decided to leave Carlton and go down to Prince Albert.

Q. Did you go with him?—A. Yes.

Q. Was Carlton burned?—A. Yes, I believe it took fire accidentally and part of it was burned then.

Q. He decided to evacuate Carlton with his forces?—A. Yes.

Q. And retired on Prince Albert?—A. Yes.

Q. What distance is that?—A. 46 or 50 miles.

Q. Did you go with him to Prince Albert?—A. Yes.

Q. What day was that?—A. We left on the morning of the 28th, about one or two o'clock, and we got down that evening.

Q. You remained at Prince Albert during the rest of the rebellion?—A. Yes.

Q. You have told me all you know about it?—A. Yes, there may be something that I have omitted. When Mitchell introduced me to the prisoner, he asked Mitchell whether I came of my own accord or whether I came with him. When he heard I came with him, he said I was entitled to the same protection as he was, but if I came of my own accord, he would look after me, or something of that kind. The prisoner said I was entitled to the same protection as he was.

Q. Is there anything else that you remember?—A. No, I cannot remember every thing that took place. I do not remember anything else.

By Mr. GREENSHIELDS.

Q. The first time that you met the prisoner was in the council chamber?—A. Yes.

Q. And before that you never saw him?—A. No.

Q. Nor did you see him after that till in court?—A. I saw him in court, when he was first brought into court.

Q. You had no conversation nor did you see him from that time till his surrender to General Middleton?—A. No.

Q. You never had any personal quarrel or trouble with him before?—A. No, I never had any communication with him.

Q. Did he appear excited when you were introduced by Mitchell?—A. No, not at the time. A while after he became excited.

Q. How long after was it till he got excited?—A. I cannot tell.

Q. Five or ten minutes?—A. Perhaps a quarter of an hour.

Q. During that interval you were talking with him all the time?—A. He went away for a little while, and then he came back again. He went upstairs and came back again.

Q. Tell us what he said when you were first introduced and shook hands with him. Did he speak first or did you?—A. I spoke first. I told him that we would shake hands or something to that effect, and he said yes.

Q. Now, what did you first begin to talk with him about?—A. I told him, I said: There appears to be great excitement here. He said no excitement at all, everything was quiet, or something like that.

Q. You said something about his having spoken about wanting to get their grievances redressed?—A. Yes. I think I said there seemed to be a number of men armed and he said that they had been asking for their rights for fifteen years, and they had not been granted, and they had decided to make a demonstration.

Q. Did you have any conversation as to what the rights were?—A. No, I had not with him.

Q. Whom did you talk about it with?—A. The rest of the people that were in.

Q. That is the council?—A. Yes.

Q. What was their statement to you regarding their rights?—A. They did not seem to know—that they were entitled to scrip and never got it.

Q. Did they speak of having made any petition to the Government for their rights?—A. Yes. We discussed the matter. I had taken part myself in the petition that we sent forward, and knew more about it than they did. It came out in this way, Gabriel Dumont said that I had taken no interest in the matter before; that I never advised them; that it was only now, when matters had gone so far, that I advised them in the matter.

Q. That was reproaching you because you had been instrumental in getting the rights of the Half-breeds—the English Half-breeds?—A. We were entitled to scrip, but we never got it yet.

Q. Have you got it since?—A. No.

Q. There is a commission sitting now?—A. Yes.

Q. Riel said that the only answer they got to every petition was an increase of police?—A. No.

Q. What was on the table when you went into the council chamber?—A. Some tin dishes and some spoons, some fried bacon and some bannocks.

Q. Any blood in the dishes?—A. No. I did not see any.

Q. Will you swear that there was not? Will you swear that some of them were not eating cooked blood at the time?—A. Not that I saw.

Q. How long after the conversation with him did he use the words "he wanted blood"?—A. He left me and came back again, it was then he said it.

Q. Was he in a very excited state of mind when he talked about blood?—A. He became very excited. I told him that I did not think that he had adopted a wise way to redress their grievances.

Q. In what position was he at that time?—A. Standing striking the table.

Q. What did the prisoner say to you when Mitchell stated you were entitled to the same protection as Mitchell was?—A. It was Riel said that, not Mitchell.

Q. Didn't he say you were at liberty to return?—A. He said I was entitled to the same protection as Mitchell.

Q. You did not go as you pleased?—A. Yes, I did.

Q. Was that before or after the conversation about the blood took place; was it before Riel had told you he wanted blood and that you were free to go?—A. It was before I had any conversation with him at all.

Q. The first thing he did on being introduced to you was to assure you that you were at liberty?—A. Yes.

Q. You had no fear but that you were at perfect liberty to return?—A. It did not make any difference to me.

Q. After telling you that you were at perfect liberty he spoke to you of his desire for blood?—A. Yes, certainly.

Q. Did you have any other conversation with him that day?—A. He said what I said at the time he went upstairs. He went up, and he would occasionally put his head through and say that I was speaking too loud. After he came down he apologized, and said he had great respect for me personally, but it was my cause.

Q. On the whole he treated you civilly?—A. No; he made use of language to me that was never before used to me.

Q. Did he have any conversation with you as to the object of the rebellion?—A. He said they wanted their rights.

Q. Did he tell you anything about the administration of the North-West Territories?—A. No.

Q. About a new Church?—A. No.

Q. No conversation about either of these matters?—A. No.

Q. When he called for blood was it after he went down?—A. He went away and came back and called for blood.

Q. And then he went upstairs?—A. Yes.

Q. When he came down the next time he apologized for the language used?—A. Yes.

Q. Shortly after that you went away?—Yes.

HIS HONOR.—Any juror that desires to ask the witness any question is at liberty to do so.

JOHN W. ASTLEY, sworn, examined by Mr. Burbridge.

Q. You reside at Prince Albert?—A. Yes.

Q. How long have you resided there?—A. About three years.

Q. What is your occupation?—A. Civil Engineer, Land Surveyor and Explorer.

Q. In March last you were employed by Major Crozier?—A. I left with volunteers to go to Carlton.

Q. How were you employed?—A. As volunteer, and then I was used as a scout.

Q. What time in March?—A. About the 18th March.

Q. How long were you a scout?—A. I was scouting through the French settle-