

ment and were entirely opposed to the interests of the North-West settlement?—A. No, but he said they were opposed to him.

Q. He gave you then to understand the priests were entirely wrong and he was entirely right?—A. Certainly.

Q. In fact they did not know anything they were talking about and he knew it all?—A. He said they were working only for their own interest.

Q. Did he explain to you what his intentions were as to the division of the Territories, what he intended doing when he succeeded in chasing the Canadians out of the country?—A. Some time, probably when I was prisoner, I heard him talk of dividing the country in seven or giving a seventh of the proceeds to assist the Poles, a seventh to the Half-breeds and a seventh to the Indians.

Q. Some more to the Hungarians?—A. Yes, and soon.

Q. You said when you were Riel's prisoner, that it was after the 17th and 18th of March you heard him discussing the future division which he intended making for the Territories if he got rid of the Canadians?—A. Something to that effect, but I cannot remember exactly what it was.

Q. You heard him talking of dividing the country into different parts?—A. I understood it was one-seventh of the proceeds of the sale of the land and taxes would be given to these different people.

Q. Did he then say that he expected any assistance from these people?—A. No, it seemed to be a scheme of emigration more than anything else.

Q. His plan as he then unfolded it, did it appear to be in conformity with the plan you had heard him discussing at the public meetings at which you assisted?—A. Oh! no, altogether different.

Q. Will you look at this document called the foreign policy document, and say if you can see anything on it which would bear out that intention to divide up the country (witness looks at exhibit 15)?—A. Yes.

Q. Do you recognize the handwriting as that of Louis Riel?—A. It is scribbled so that it is difficult to say.

Q. What is on the other side of the sheet is certainly in his handwriting?—A. Yes, it certainly is.

Q. And is the ink on the other side not the same as that?—A. I think it is.

Q. And don't you think the handwriting is also the same?—A. I could not say.

Q. To the best of your knowledge, does it not represent Riel's handwriting?—A. I think it is.

Q. Riel explained to you what was meant by the word *exovede*?—A. He did.

Q. That it was meant to convey that he was simply one of the flock?—A. Yes.

Q. That he had no independent authority, but simply acted as one of the others?—A. Yes, it was simply an affectation of humility.

Q. You are aware that all the documents signed by him, as far as you know, bore the word *exovede*?—A. The most of them.

Q. You had several conversations with Riel after the conversation about your brother, on religious matters?—A. After I was taken prisoner, but nothing much on religious matters; he used to talk about his new religion, about leaving the errors of the Church of Rome out and adopting a more liberal plan.

Q. He explained to you his new religion?—A. He explained it as a new liberal religion, he claimed that the Pope had no right in this country.

Q. Did he condescend to inform you as to the person in whom his authority should be invested?—A. No.

Q. You believed from him there was some person in this country who would probably take the position of Pope in this country?—A. I think very likely he intended himself to take the position, that the Pope was in his way.

Q. This took place after you were made a prisoner, this conversation about the new religion?—A. I think so, and he also spoke about it at Duck Lake.

Q. All the conversations you ever had with him in connection with this political movement never in any way referred to this new religion?—A. No, he spoke of religion but merely as ordinary men do.

Q. The first time you heard of this new religion and these new theories of religious questions was after the rebellion had begun?—A. Yes.

GENERAL FREDERICK MIDDLETON SWORN, examined by MR. ROBINSON.

Q. You are a Major-General in her Majesty's service?—A. Yes.

Q. What position do you hold in Canada?—A. I am commanding the home militia force.

Q. Where do you reside?—A. Ottawa.

Q. Were you called upon for service in these Territories at any time?—A. I was.

Q. When?—A. I think it was on the 23rd March, I was sent for, the 23rd March, by Mr. Caron, and told I should have to leave at once for the North-West.

Q. Mr. Caron is minister of Militia?—A. Yes.

Q. What reason was given you?—A. He told me they had news which was of a very bad character, that a rising might take place, and I was to go at once and he asked when I could go.

Q. When did you start?—A. About two hours afterwards.

Q. What did you do first?—A. I went straight to Winnipeg. On the way to Winnipeg I think it was on the train I heard of the Duck Lake battle. When I got to Winnipeg, I found the 90th was almost ready to march, that a small detachment had been sent to Qu'Appelle and that the Winnipeg Battery was ready, and then I heard more news about Col. Irvine being afraid to go to Batoche as it was in the hands of the Half-breeds, and I heard a confirmation of the Duck Lake affair. I went to the Town Hall and inspected the 90th and that evening I went on the train with the 90th and went straight to Qu'Appelle without stopping.

Q. How long did you remain at Qu'Appelle?—A. I cannot exactly remember. I was there waiting for the formation of the commissariat.

Q. You left Qu'Appelle and proceeded where?—A. Fort Qu'Appelle.

Q. And from that you went to Fish Creek?—A. Yes.

Q. That was the first occasion on which you met the opposing rebels?—A. Yes.

Q. What force was under your command when you got to Fish Creek?—A. When I got to Fish Creek I had the 90th, I had previously divided my forces and put the half of them on the other side of the river, I had under my immediate command the 90th, the so called "A" Battery, with two guns, Boulton's scouts and I think that was all.

Q. How many in all?—A. On paper there would be about 420 or 450.

Q. That was your force at Fish Creek?—A. Yes, as far as I can remember.

Q. And how many men were lost there on your side?—A. I think we had, well I forget the exact number. We lost nine or ten killed and forty wounded.

Q. That was on the 24th April?—A. The 24th April.

Q. You remained there for some short time?—A. Until I could get rid of the wounded. We had a large number of wounded and I could not leave them there. I had not sufficient forces to leave to protect them and I was obliged to wait, and I also wanted oats, but the principal thing was to get rid of the wounded.

Q. Then you proceeded to Batoche?—A. Yes.

Q. When did you arrive before Batoche?—A. About 9 miles from Batoche I struck the trail for Batoche on the 8th and on the morning of the 9th, marched straight on to Batoche leaving my camp standing.

Q. And when did the engagement begin?—A. On the 9th, the instant we got there.

Q. Do you mean you were fired on almost on your getting there?—A. On our arrival we came on the top on the plateau and we saw a large assembly of men, and we opened fire?

Q. That was the beginning of the engagement?—A. Yes.

Q. The engagement continued till the 12th?—A. When Batoche was taken.

Q. I believe you had some negotiations on the 12th?—A. Yes, on the 12th I had moved on the left of the enemy. I moved to the right in order to draw their attention away and I left orders with my second in command that while I was away, as soon as he heard firing, that he was to retake the old position we had the previous day, and as I drew the enemy off on the right, he was to press on the left. I went off with the cavalry and guns so as to make as much show as possible, and I kept the enemy engaged some little time. In the middle of our engagement there, which was quite at long bowls, I saw a man galloping across the plains from the direction of the enemy with a flag. He came closer and it turned out to be Mr. Astley. He handed me a letter and he said "I am one of the prisoners. I have been sent by Riel to communicate with you, and I have brought you this letter."

Q. Is this the letter he brought you?—A. Yes, that is the same letter put in, Exhibit 1. This is my answer on the back of it.

Q. Then what did you do with this letter?—A. I took it from Mr. Astley and wrote my answer and gave it to Mr. Astley who went away with it.

Q. What took place next?—A. The next thing was, a man on foot came up.

Q. Do you know who he was?—A. Yes, he was Mr. Jackson, a brother of the man who was a prisoner. He came up with another document. He had exactly the same story to tell, that he had been sent by Riel, only he was confused. He said he had been told to stand in front of a house with a white flag and eventually he said he found that was a stupid work, and he came on to me.

Q. Is this the document he brought, (Exhibit 2)?—A. Yes, to the best of my belief it is. It is an exact copy of it, because it was a little different from the wording of the other one.

Q. Then what did you do in answer to that?—A. I took no particular notice of it as I had already sent an answer back. I looked upon it simply as a copy and I told Jackson I had sent an answer back by Astley.

Q. How long was it between the time you received the two communications?—A. I should say about a quarter of an hour.

Q. And what took place next?—A. As soon as that was over I did what I principally wanted, I had drawn the fire of the enemy. Mr. Astley said "I think Sir, Mr.

Riel is in a very great state of excitement and I should not wonder if he would surrender." I gave orders and retired my whole force by degrees and fell back upon my camp.

Q. What took place next?—A. When I arrived at the camp I was very much put out and annoyed to find my orders had been misunderstood, and that instead of their having taken advantage of my feint and having occupied the rifle pits, they were all quietly in camp.

Q. Did you receive any further communications?—A. As soon as I found this, I am afraid I used some pretty strong language; the end of it was we attacked. The men were ordered down. I went down myself to the front to see if there was any of the enemy in the intrenchment. I soon got tangible proof of it. The force that had their dinner were brought up and we began gradually to force our way on. In the middle of that, when we got the artillery down, Mr. Astley came again galloping, having run the gauntlet of both forces. He ran between them and came with a flag and produced another letter from Riel.

Q. Is this the one he brought you that time (producing it).—A. Yes, that is the same one.

Q. Is this the envelope it came in?—A. Yes, (Ex. 3 and 4). I could not hear what Astley was saying. I opened the envelope and handed it to him. I could not hear what he said, I tried to stop the guns firing to hear it, but that was hopeless; at last he handed me the envelope and pointed to it and I read what was on the outside of the envelope and he said after Mr. Riel had closed the letter he got it back and wrote on it with an indelible pencil and he said "you had better read what that was."

Q. Then what took place?—A. Astley said he had better go back with an answer and I said no, there was no necessity. He said the prisoners might be massacred. I said there was no fear of that, that we would be there in half a minute. I went on and forced my way, brought the 90th, dismounted the troops and gradually pushed on.

Q. And then the place was carried?—A. Then the place was carried. By a series of rushes we forced our way on and the enemy dispersed altogether but they still kept a fire in the distance, but gradually all attempt at defence had ceased with the exception of a few stray shots now and then.

Q. Astley did not return?—A. No, he went down with us to the plateau.

Q. How many of your force was killed on that occasion?—A. On that occasion there were six killed, I think, and twelve or thirteen wounded.

Q. That practically was the end of the campaign so far as your campaign was concerned?—A. Practically, it was.

Q. How long after that was it before the prisoner was brought to you?—A. That was on the 12th. We halted the 13th and marched on the 14th, and I think it was on the 15th. I had heard he was on that side of the river and I marched as soon as I could intending to go to Lepine's crossing. On the way I heard of Riel and Dumont having been seen and instead of going to Lepine's I turned and halted at Gardupuy's crossing, and sent out all the scouts I could with directions to search the wood as far as Batoche. On the 15th Riel was brought in by two scouts, Hourie and Armstrong, and brought to my tent, and when he entered the tent he produced a paper which I had sent to him saying if he surrendered I would protect him till his case was decided by the Canadian Government.

Q. What was done with him when he was first brought in?—A. He was brought into my own tent. Very few knew he was there, I kept in my tent all day. I had another tent pitched alongside and he was put in that tent under charge of capt. Young, with two sentries with loaded arms, and during that night Captain Young slept in the tent.

Q. Had you any conversation with the prisoner while he was there?—A. Yes, during the first day he was there I had a conversation with him.

Q. Did you invite any conversation from him?—A. I dare say I asked him one or two questions. He talked very freely to me.

Q. And did he make any representation as to his share in the matter?—A. No I can hardly remember. I was writing at the time and then I stopped writing and talked to Mr. Riel. The only one thing I can remember particularly as to his share in the matter was as I was leaving the tent, he said: "General, I have been thinking whether if the Lord had granted me as decided a victory as he has you, whether I should have been able to put it to a good use." That was the only thing he said as I left the tent. I had talked a good deal with him on different matters.

Q. Then he was sent down with Captain Young?—A. Yes, I telegraphed down to the Government to say Mr. Riel was a prisoner and to know what was to be done with him, and eventually I was directed to send him to Regina which I did, under the charge of Captain Young with twelve men and a sergeant.

Examined by Mr. GREENSHIELDS.

Q. You were in command of the forces in the North West Territories?—A. Yes.

Q. In the course of that command did you issue any general instructions or proclamation to the inhabitants?—A. Well, once when I was at Fish Creek, I sent a communication by an Indian to say that the Government had no war against the Half-breeds or Indians, that those who had been forced against their will to join Riel would be pardoned if they left and went to their homes and reserves, but I said no pardon should be given to Riel or his immediate aiders and abettors. It was something to that effect.

Q. Was that proclamation issued over your name?—A. Over my signature.

Q. About what time was that?—A. That must have been between the 24th of April and the 5th of May, while we were lying at Fish Creek with the wounded.

Q. During the time Riel was in your tent, did you have any conversation with him regarding his religious views?—A. Well yes, he talked a good deal about his religion.

Q. Did Astley make any remark to you at the time he brought these two messages that Riel wished as a condition of his surrender that he should be recognized as the head of the Church he had formed at Batoche, or remarks to that effect.—A. No, I don't think so. I remember Astley saying "Confound him! he is always bothering about his religion. He his anxious you should know about his religion," or some thing like that.

Q. This was before you saw Riel?—A. Yes.

Q. What did he say to you, that is Riel, when you had this conversation with him regarding religion?—A. I could hardly tell you. It was a disconnected thing. He told me that Rome was all wrong and the priests were narrow minded people; there was nothing particularly except the ideas of an enthusiast on some religious point.

Q. Did he say to you he was a prophet?—A. No.

Q. And endowed with the spirit of God?—A. No, nothing of that sort.

Q. Under what circumstances was the paper which you sent to Riel offering him protection sent?—A. I don't exactly know what you mean. That I think was sent when Astley told me he was anxious to surrender.

Q. It was when Astley told you he thought Riel was anxious to surrender that you sent him that?—A. I think I sent it out by a scout, I have got a copy of it in my book. I think I sent it by a scout.

Q. Was there not a man came on behalf of Riel after the final charge and after Ba-

toche had been carried, and stated to you Riel would be willing to give himself up on certain conditions ?—A. No, I have no recollection of that.

Q. Do you recollect having seen a man named Moise Ouellette who was one of the councillors of the Government of the Saskatchewan ?—A. I don't remember particularly.

Q. Do you remember he came to your camp and stated he knew where Riel was and that he would surrender under certain conditions and he did not wish to be followed by any one ?—A. Nothing of the sort. If any man had come and told me that, I would have seized him immediately.

Q. That is pretty good evidence he did not come ?—A. Certainly.

Q. Your recollection is that you gave that little piece of paper to a scout ?—A. Yes, with the hope it would reach Riel in some way or other.

Q. Do you recollect the date you gave him this paper ?—A. No, I cannot exactly say but it must have been between the 12th and the 15th.

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GEORGE HOLMES YOUNG, sworn, examined by Mr. Burbidge.

Q. You are an officer in the Winnipeg Field Battery ?—A. Yes.

Q. Were you with General Middleton's forces before Batoche ?—A. Yes.

Q. In what position were you ?—A. I was brigade Major of the infantry brigade.

Q. Were you with the forces on their arrival at Batoche ?—A. I was.

Q. Did you hear any firing about the time you arrived ?—A. As we supposed we were nearing Batoche we heard heavy firing from the steamer. That was early on the morning of the 9th May, we heard the steamer firing and whistling for assistance.

Q. You were present during the fighting on the 9th, 10th, 11th and 12th ?—A. Yes.

Q. Were you with the advance that went over the rifle pits in the last charge ?—A. I was.

Q. You were one of the first who went into a certain house I believe ?—A. Yes Sir.

Q. Can you describe what house ?—A. The house known as their council chamber.

Q. What did you find there ?—A. In the upstairs, I found a large number of papers and books.

Q. Where did you find them ?—A. On the table where they had left them, fastened to the wall in paper clips and some in two boxes and some in a small leather reticule ; they were generally through the room in places of safety, according to their importance.

Q. What did you do with them ?—A. I lashed the books and papers together with a rope and gave them to an artillery Sergeant to take to Col Jarvis. Other papers were found besides those I found in the council chamber, and as they turned up, I took possession of them.

Q. Did you examine these papers ?—A. I did.

Q. Do you recognize that, (No. 5), as one of the papers ?—A. I do.

Q. Do you recognize that as one of the papers you found, (6) ?—A. I do.

Q. Do you recognize this as one of the papers you found (the 7th) ?—A. I do.

Q. Do you recognize this as one of the papers (13) ?—A. I do.

Q. Do you recognize this as one of the papers you found there (16) ?—A. I do.

Q. Were you present when the prisoner was brought into the camp ?—A. I was in the camp and saw him brought in.

Q. You were through the fight at Batoche?—A. Yes.

Q. You saw the rebels fighting against the troops, against General Middleton?—
A. Yes.

Q. How were they armed?—A. With rifles and shot guns.

Q. How many days after Batoche was Riel taken? A. The last day of Batoche was Tuesday the 12th, and the prisoner was brought into camp on the afternoon of Friday the 15th. He was brought by the scouts to the tent of the General and was held there for questioning.

Q. Was he afterwards put under your charge?—A. I was sent for by the General as I had known the prisoner in the rebellion of 69-70, to see if I would recognize him. I reported that there was no mistake as to his identity; about half past nine word was sent that the General wanted me, and I went to the tent, and the General told me that he wanted me to take charge of the prisoner and be answerable for his safe keeping. I had charge of him till I delivered him to Capt. Dean, on the 23rd May.

Q. Had you frequent conversations with him during that time?—A. Constantly.

Q. Did he speak freely and voluntarily with you?—A. Yes, he talked all the time.

Q. You did not order him to make any statements to you?—A. None at all.

E. Did he speak at all in regard to the Indians he expected to act with him, how many there were?

Mr. FITZPATRICK.—I raise a formal objection to this part of the evidence. This was a statement made by this man to this person who was in charge of him.

HIS HONOR.—What is your objection?

Mr. FITZPATRICK.—A statement by a prisoner when in custody to the person in charge of him is not admissible in evidence.

Mr. BURBIDGE.—Did you hold out any inducement to him to make a statement to you?—A. No.

Q. His statements were voluntary entirely?—A. Yes.

Q. Did you offer any inducements or make promises of any kind?—A. No.

Mr. FITZPATRICK.—It is not admissible in evidence unless he made it voluntarily.

Mr. BURBIDGE.—A. What did he say about the Indians?—A. On the Saturday the General wished to know as to the movements of some bands who intended to join the rebel forces, and the prisoner spoke about a messenger, Chic-I-Cum, whom he had sent towards Prince Albert and Battleford to bring men with him to Batoche. He gave this information to give to the General as it might be possible to divert the Indians from their intention.

Q. Did he say anything about sending runners out to the bands?—A. Yes, in the North-West and also towards Cypres Hills.

Q. Did he speak to you of any other aid he expected to receive?—A. I was instructed to speak about possible aid from Irish sympathisers in the United States.

Mr. FITZPATRICK.

Q. Were you instructed to speak to him about that?—A. Yes.

Mr. FITZPATRICK. Then I object.

Mr. BURBIDGE. We will not say anything about that.

Q. Did he speak about the battles?—A. About Duck Lake.

Q. What did he say about that?—A. We had a conversation as to the way it

occurred. He insisted that Major Crozier fired first. After the first fire he said that he had instructed his men to fire. He gave three commands to fire as he explained it. The first as I remember it, "was in the name of God who made us, reply to that." They fired and Crozier's men replied, and he said, "in the name of God the Son who saved us, reply to that." And the third was "in the name of God the Holy Ghost who sanctifies us, reply to that." He spoke also of the circumstances that after Gabriel was wounded, a scalp wound I think, he continued to load the guns of the men till stopped by the flow of blood and when he could not do that any longer, he said: "My poor children, what will you do, I can't help you any longer." We spoke of Batoche after his capture in reference to the death of an old man I saw lying dead on the face of the ravine, Donald Ross I think was his name. He told me that as he was dying he called out for his relatives and children to come and see him before he died.

Q. Did he say anything about the disposal of his forces at the fight?—A. We were conversing about the different lines of defence. He had three, as I understood, a double line of rifle pits and a lower line again. He explained how the scouts were to fall back when pressed, that were to be three in each pit. He said that he and Gabriel Dumont differed. That Gabriel's opinion was that the rebel right was the key to the position, and should be defended. The prisoner's opinion was that the whole line should be especially defended. The matter was decided in council in favour of his view.

Q. Did he speak about the fighting qualities of the Indians?—A. He said in the early part the movement was all carried on by the Half breeds, but when it came to fighting the Indians were the bravest of his soldiers. He was aware of the death of French and of many others instances of the fight. I was positive from the instances he talked about that he must have been opposite to me at different times.

Q. This conversation took place when he was under your charge?—A. Yes.

By MR. FITZPATRICK.

Q. The information given to you by the prisoner was intended to be given to the General in reference to the Indians, Chic-I-Cum?—A. Yes.

Q. He gave the information for the purpose of enabling the General to take such measures as were necessary to prevent any difficulty with the Indians?—A. He did.

Q. He gave that freely and voluntarily, without pressure?—A. Yes, entirely of his own accord.

Q. The fact that the prisoner gave himself up necessarily tended to shorten the conflict and avoid further spilling of blood?—A. I thought he was captured by the scouts, I cannot express any opinion as to that. If he gave himself up, it might have had that effect.

Q. You heard what the General said this morning?—A. Yes.

Q. Your general impression was that Riel in every way decided to close hostilities?—A. He gave us all the information that we pressed him for sometimes he would bring out other subjects to gain time to consider his answers.

MAJOR EDWARD W. JARVIS, SWORN, examined by Mr. SCOTT.

Q. I understand you were in command of the Winnipeg Field Battery?—A. Yes.

Q. On active service at the battle of Batoche?—A. Yes.

Q. Were you there on the 12th of May?—A. Yes.

Q. Throughout the whole four days?—A. Yes.

Q. Were any papers handed to you during that time?—A. Yes, towards the end of the engagement on the 12th, the last day of the engagement.

Q. By whom were they brought to you?—A. By one of the staff sergeants of the Battery.

Q. Would you recognize the papers? did you examine them?—A. I examined them but not particularly subsequently, about two days after, by order of the General.

Q. You would recognize them I suppose. Is that one of them (6)?—A. That is one of them.

Q. Do you recognize that (5)?—A. Yes, that is one of them.

Q. Do you recognize that (7)?—A. Yes, that is one of them.

Q. Do you recognize that (13)?—A. Yes, that is one of them.

Q. Do you recognize this (11 and 12)?—A. That is also one of them.

Q. Do you recognize that one (16)?—A. Yes, that is one of them.

Q. And this (15)?—A. Yes, that was also among the papers.

MAJOR CROZIER sworn, examined by Mr. OSLER.

Q. I believe you are an officer in the mounted police?—A. Yes.

Q. At the time of this trouble commanding in the north district?—A. Yes.

Q. With head-quarters at Battleford?—A. Yes.

Q. Carlton was the principal outpost?—A. Yes.

Q. In command of?—A. Superintendent Gagnon.

Q. I believe you arrived at Carlton on the 11th March?—A. Yes.

Q. You remained there till after the Duck Lake fight?—A. Yes.

Q. What force had you immediately before the Duck Lake fight at Carlton?—A. We had fifty men on my arrival on the 11th and I brought twenty five men afterwards.

Q. And then?—A. That was the full strength of the police.

Q. You were joined by some Volunteers?—A. By the Prince Albert volunteers about the 21st.

Q. I believe you heard there was trouble and you issued a proclamation?—A. I did, sir.

Q. And then there was the engagement we have heard of?—A. There was.

Q. Your terms as given to your agents were?—A. Captain Moore and Thomas McKay, of Prince Albert, were the men that I sent out.

Q. With instructions?—A. I told Captain Moore to tell the men whom he would meet from Riel that as I believed many of the men had been led into this affair, that I hoped they would disperse and go to their homes, and I believed that the Government would consider their case and would deal leniently with them, with the exception of the ringleaders who would have to answer for their offence; that I would do all in my power to get an amnesty for the rank and file.

Q. Do you know how those terms were received, of your own knowledge?—A. I can tell what was told me.

Q. The result was that they still continued in arms?—A. Yes.

Q. You organized an advance from Fort Carlton on the morning of the 26th?—A. Yes, it was not an advance in the military sense of the word, I went out for the purpose of getting some provisions at a store at Duck Lake.

Q. Having sent out a smaller party in the morning, who returned unsuccessful?—
A. Driven in.

Q. Then you were proceeding to get provisions, and you were met by a?—
A. By a large party of rebels.

Q. Did you identify any of the party leading?—A. No.

Q. The result was a contest?—A. Yes.

Q. Your force was fired upon?—A. Yes.

Q. And several killed and wounded?—A. Yes.

Q. Did you get the provisions?—A. We did not.

Q. Why?—A. We could not proceed, we were prevented by an armed force of rebels.

Q. Then did you receive a letter or communication after the fight on the 27th of March?—A. I did.

Q. Who gave that communication to you?—A. Sanderson.

Q. Asking you to come for your dead, had it this copy of the minute attached when you received it?—A. Well, I cannot swear to that, I don't recollect that minute, the other part I remember distinctly. I handed it to my commanding officer after receiving it.

Q. You do recollect getting this document purporting to be signed by the prisoner?—A. Yes.

Q. That is, in effect, a letter asking you to send for your dead?—A. Yes.

Q. Whom you had been compelled to leave on the field?—A. Yes.

Q. They were sent for?—A. Not then, they were sent for afterwards.

Q. Who composed the forces that opposed you, were they all Half-breeds?—A. I don't think so. To the best of my knowledge, they were not.

Q. Did you see any Indians?—A. I saw men dressed as Indians, and who looked like Indians.

By Mr. FITZPATRICK.

Q. When you reached the place where the fight took place you advanced yourself, did you not?—A. Yes I did.

Q. A short distance in advance of your troops?—A. Yes.

Q. You were met by one from the opposite side?—A. Yes.

Q. Who was that?—A. I don't know, he appeared to be an Indian.

Q. What became of that man?—A. That man I heard was killed.

Q. Did you see him drop?—A. I cannot say that I saw him drop.

Q. Was he the first man killed to your knowledge?—A. I do not know.

Q. You did not see any of the men drop yourself?—A. I cannot say that I did, my attention was engaged giving directions to my party.

Q. Your dead remained upon the field?—A. Not the whole of them, some of the dead did.

Q. You knew that one of your men, Newitt, remained on the field wounded?—
Of course I knew it afterwards but I did not know it at the time.

Q. To your knowledge was that man taken care of?—A. Not to my personal knowledge, though I believe he was from what I heard.

Q. Did you see the dead after the battle?—A. No I did not.

Q. Before they were interred?—A. No.

Q. Did you see them on the field?—A. I saw some, but the dead left upon the field I did not see.

CHARLES NOLIN, sworn, examined by Mr. CASGRAIN.

Mr. Marceau was sworn as interpreter.

Q. You live at St. Laurent?—A. At the present time, Yes.

Q. You lived before in Manitoba?—A. Yes.

Q. Do you know when the prisoner came into the country?—A. Yes.

Q. About what time was it?—A. I think it was about the beginning of July 1884.

Q. You met him several times between that time and the time of the insurrection?—A. Yes.

Q. Did the prisoner speak about his plans and if so, what did he say?—A. About a month after he arrived, he showed me a book that he had written in the States. What he showed me in that book was first to destroy England and Canada.

Q. And?—A. And also to destroy Rome and the Pope.

Q. Anything else?—A. He said that he had a mission to fulfil, a divine mission, and as a proof that he had a mission, he showed a letter from the bishop of Montreal eleven years back.

Q. Did he say how he would carry out his plans?—A. He did not say how he would carry out his plans then.

Q. Did he tell you something after?—A. He commenced to talk about his plans about the first of December 1884.

Q. What did he tell you?—A. In the beginning of December, 1884; he began to show a desire to have money, he spoke to me about it first, I think.

Q. How much did he say he wanted?—A. The first time he spoke of money I think he said he wanted 10,000 or 15,000 dollars.

Q. From whom would he get the money?—A. The first time he spoke about it he did not know of any particular plan to get it, at the same time he told me that he wanted to claim an indemnity from the Canadian Government. He said that the Canadian Government owed him about 100,000 dollars, and then the question arose whom the person were whom he would have to talk to the Government about the indemnity. Some time after that the prisoner told me that he had an interview with Father André and that he had made peace with the church, that since his arrival in the country he had tried to separate the people from the clergy, that until that time he was at open war almost with the clergy. He said that he went to the church with Father André and in the presence of another priest and the Blessed Sacrament he had made peace, and said that he would never again do anything against the clergy. Father André told him he would use his influence with the government to obtain for him 35,000 dollars. He said that he would be content with \$35,000 then and that he would settle with the government himself for the balance of 100,000 dollars. That agreement took place at Prince Albert. The agreement took place at Saint Laurent and then Father André went back to his mission at Prince Albert.

Q. Before December, were there meetings at which Riel spoke and at which you were present?—A. Yes.

Q. How many?—A. Till the 24th February I assisted at seven meetings, to the best of my knowledge.

Q. Did the prisoner tell you what he would do if they paid him, if the government paid him the indemnity in question?—A. Yes.

Q. What did he tell you?—A. He said if he got the money he wanted from the government he would go wherever the Government wished to send him, he told Father André, if he was an embarrassment to the Government by remaining in the N. W. he would even go to the province of Quebec. He said also if he got the money he would go to the United States and start a paper and raise the other nationalities in the States. He said: "Before the grass is that high in this country, you will see foreign armies in this country." He said: "I will commence by destroying Manitoba, and then I will come and destroy the North-West and take possession of the North-West."

Q. Did anyone make a demand in the name of the prisoner for the indemnity?—A. In the beginning of January the Government asked for tenders to construct the telegraph line between Edmonton and Duck Lake, I tendered for it.

Q. You withdrew your tender?—A. Yes.

Q. Why?—A. On the 29th January, the tenders were to be opened on the 27th, the prisoner came with Dumont and asked me to resign my contract in his favour because the Government had not given any answer to his claim for \$35,000, so as to frighten the Government. The prisoner asked to have a private interview to speak of that privately with Dumont and Maxime Lepine. We went to Lepine's and it was then that Riel told me of his plans.

Q. What were his plans?—A. The prisoner asked me to resign him my contract to show the Government that the Half-breeds were not satisfied because the Government had not given Riel what he asked for.

Q. Did he speak of how he would realize his plans?—A. Not there, I spoke to him.

Q. What did you say?—A. I told him I would not sacrifice anything for him, particularly on account of his plan of going to the United States, I would not give five cents, but that if he would make a bargain with me, with Lepine and Dumont as witnesses, I proposed to him certain conditions, I proposed that he would abandon his plan of going to the States and raising the people, that he should abandon his idea of going to the States and raising an army to come into Canada. The second condition was that he would renounce his title as an American citizen. The third condition was that he would accept a seat in the House of Commons as soon as the North-West would be divided into counties.

Q. Were those conditions accepted by the prisoner?—A. Yes. The next day I received an answer to a telegram from Macdonald; the telegram said that the Government was going to grant the rights of the Half-breeds, but there was nothing said about Riel's claim.

Q. Did you show the answer to Riel?—A. I showed the reply I received next Sunday.

Q. That was in the month of?—A. February.

Q. In the beginning of the month?—A. Yes.

Q. What did the prisoner say?—A. He answered that it was 400 years that the English had been robbing and that it was time to put a stop to it, that it had been going on long enough.

Q. Was there a meeting about that time, about the 8th or 24th of February?—A. A meeting?

Q. At which the prisoner spoke ?—A. There was a meeting on the 24th February, when the prisoner was present.

Q. What took place at that meeting, did the prisoner say anything about his departing for the United States ?—A. Yes.

Q. What did the prisoner tell you about that ?—A. He told me that it would be well to try and make it appear as if they wanted to stop him going into the States. Five or six persons were appointed to go among the people and when Riel's going away was spoken about, the people were to say "No, No." It was expected that Gagnon would be there but he was not there. Riel never had any intention of leaving the country.

Q. Who instructed the people to do that ?—A. Riel suggested that himself.

Q. Was that put in practice ?—A. Yes.

Q. Did the prisoner tell you he was going to the United States ?—A. I was chairman of the meeting when the question of Riel's going away was brought up.

Q. In the beginning of March was there a meeting at the Halcro settlement ?—A. Yes.

Q. Were you present when that meeting was organized by him ?—A. The meeting was not exactly organized by the prisoner, it was organized by me ; but the prisoner took advantage of the meeting to do what he did. The object of the meeting was to inform the people of the answer the Government had given to the petition they had sent in.

Q. Between the 1st March and the meeting at Halcro was there an interview between the prisoner and Father André ?—A. Yes, on the 2nd of March.

Q. Those notes you have in your hand were made at the time ?—A. Yes, about the time. On the 2nd of March, there was a meeting between Father André and the prisoner at the Mission.

Q. At the interview between Father André and the prisoner, did the prisoner speak about the formation of a provisional Government ?—A. About seven or eight Half-breeds were there, the prisoner came about between ten and eleven o'clock.

Q. What did he say to Father André ?—A. The prisoner was with Napoleon Nault and Damase Carrière. The prisoner appeared to be very excited. He said to Father André : " You must give me permission to proclaim a provisional Government before twelve o'clock to-night."

Q. What day was this ?—A. The 2nd of March.

Q. What then ?—A. The prisoner and Father André had a dispute and Father André put the prisoner out of doors.

Q. What took place at the meeting at Halcro, what did you see ?—A. I saw about sixty men arrive there, all armed, with the prisoner.

Q. What day was that ?—A. The fourth of March,

Q. Were these men armed ?—A. Nearly all were armed.

Q. What did you do ?—A. That meeting was for the purpose of meeting the English Half-breeds and the Canadians. When I saw the men coming with arms, I asked them what they wanted, and I said the best thing they could do was to put their arms in a waggon and cover them up so they would not be seen.

Q. The prisoner spoke at the meeting ?—A. Yes.

Q. What did he say ?—A. He said that the police wanted to arrest him, but he said these are the real police, pointing to the men that were with him.

Q. Did you speak at that meeting ?—A. Yes, I spoke at that meeting and as I could not speak in English I asked the prisoner to interpret me. Before leaving in

the morning the prisoner and I had a conversation. He had slept at my place that night. Before leaving I reproached him for what he had done the night before.

Q. On the 5th of March?—A. The prisoner came with Gabriel Dumont to see me. He proposed a plan to me that he had written upon a piece of paper. He said that he had decided to take up arms and to induce the people to take up arms, and the first thing was to fight for the glory of God, for the honor of Religion and the salvation of our souls. The prisoner said that he had already nine names upon the paper, and he asked for my name. I told him that his plan was not perfect but since he wanted to fight for the love of God, I would propose a more perfect plan. My plan was to have public prayers in the Catholic chapel during nine days, and to go to confession and communion and then do as our consciences told us.

Q. Did the prisoner adopt that plan?—A. He said that nine days was too long. I told him that I did not care about the time and that I would not sign his paper. The prisoner asked me to come next day to his house, and I went and there we discussed his plans. There were six or seven persons there.

Q. Did you propose your plan?—A. He proposed his plan and then he proposed mine.

Q. Did you decide to have the nine days?—A. We decided upon the nine days prayer, that plan was adopted almost unanimously, no vote was taken upon it.

Q. Was the nine days prayer commenced in the church?—A. Yes, on the Sunday following.

Q. What day was that?—A. The meeting at Riel's was on the sixth, I think it was on the sixth March.

Q. When did the nine days prayer commence?—A. It was announced in the church to commence on the Tuesday following and to close on the 19th, St Joseph's day.

Q. Did the prisoner assist at the prayer?—A. No, he prevented people going.

Q. When did you finally differ from the prisoner in opinion?—A. about 20 days before they took up arms, I broke with the prisoner and made open war upon him.

Q. What happened on the 19th?—A. On the 19th of March, I and the prisoner were to meet to explain the situation, I was taken prisoner by four armed men.

Q. Who were the armed men?—A. Philip Gardupuy, David Tourond, Francis Vermette and Joseph Lemoine. I was taken to the church of St Antoine. I saw some Indians and Half-breeds armed in the church.

Q. Did you have occasion to go to the council after that?—A. During the night I was brought before the council.

Q. Was the prisoner there?—A. Yes.

Q. What did he say?—A. I was brought before the council at ten o'clock at night, the prisoner made the accusation against me.

Q. What did you do?—A. I defended myself.

Q. What did you say, in a few words?—A. I proved to the council that the prisoner had made use of the movement to claim the indemnity for his own pocket.

Q. You were acquitted?—A. Yes.

Q. You were in the church after that?—A. The prisoner protested against the decision of the council.

Q. Why did you join the movement?—A. To save my life.

Q. You were condemned to death?—A. Yes.

Q. When were you condemned to death?—A. When I was made prisoner I had been condemned to death, when I was brought to the church.

Q. On the 21st of March were you charged with a commission, do you recognize that (Ex 5)?—A. Yes.

Q. Who gave you that?—A. The prisoner himself.

Q. For what purpose?—A. To go and meet the delegates of major Crozier. I did not give them the document because I thought it was better not.

Q. Do you remember the 26th of March, the day of the battle at Duck Lake?—A. Yes.

Q. Was the prisoner there?—A. Yes. After the news came that the police were coming the prisoner started one of the first for Duck Lake on horseback.

Q. What did he carry?—A. He had a cross.

Q. Some time after, you left?—A. Yes.

Q. You went to Prince Albert?—A. Yes.

Q. In the beginning of December 1884 the prisoner had begun speaking of his plan about taking up arms?—A. Yes.

By MR. LEMIEUX.

Q. You took a very active part in the the political movement in this country since 69?—A. Yes, in 69 I was in Manitoba. The prisoner is my cousin. In 84 I knew the prisoner was living in Montana. I understood that he was teaching school there, he had his wife and children there. I was aware there was a scheme to bring him into the country.

Q. You thought the presence of the prisoner would be good for the Half-breeds, for the claims they were demanding from the Government.—A. Yes.

Q. In that movement the Catholic Clergy took part?—A. The clergy did not take part in the political movement but they assisted otherwise.

Q. The clergy of all denominations?—A. Yes, all the religions in the North-West.

Q. You were not satisfied with the way things were going, and you thought it necessary to have Riel as a rallying point?—A. Not directly, not quite.

Q. You sent to bring him?—A. A committee was nominated and it was decided to send the resolution to Ottawa. We did not know whether the petition was right or whether we had the right to present it. We were sending to Ottawa and they were to pass Riel's residence. When the time came we saw that we could not realize enough money to send them there, and the committee changed its decision. Delegates were sent to Mr. Riel to speak about this petition and they were to invite him into the country if they thought proper.

Q. Did the prisoner object to come?—A. I don't know.

Q. Who were the delegates sent by the committee?—A. Gabriel Dumont, Michel Dumas and James Isbister. The prisoner came with his wife and children and lived with me about four months.

Q. A constitutional movement took place in the Saskatchewan to redress the grievances?—A. Yes.

Q. The Half-breeds of all religions took part?—A. Yes.

Q. The Whites?—A. Not directly, they sympathised very much with us. The Whites did not take direct action in the movement but sympathised greatly with the Half-breeds. The witness is asked during what length of time the political movement lasted and he

said it commenced in March 1884 and continued until February or March 1885. He said that the prisoner after having lived about three months at his place went into his own house that he thinks was given to him by Mr. Ouellette. The witness is asked if in September the prisoner wanted to go, and the witness answers that he knows that the prisoner spoke of going, but he never believed he wanted to go. The witness is asked about what date he ceased to have friendly relations with the prisoner, and he says about twenty days before he took up arms, which was about the 18th March. The witness is asked if in the month of February, he thought Mr. Riel could be useful to their cause, and he says that in that month he thought that if he acted constitutionally he would be useful to their cause, but that as soon as he heard that the Government had refused the prisoner the indemnity that he claimed, that he said he had no more confidence in him as a leader in a constitutional way. The witness is asked again to say how it is that having lost confidence in the prisoner he agreed with him to deceive the people and make them believe that he wanted to go when he knew he did not want to leave the country. He says that the prisoner came and asked him to do that because Capt. Gagnon was there and so as to impress the Government, and he says that he thought, that at that time they expected that Mr. Gagnon would be at the meeting, and it would bring a satisfactory result for Mr. Riel.

The witness is asked, "In other words you wanted to put a false impression on Mr. Gagnon so as to obtain a good result for Mr. Riel." And the witness answers: "No, not at all. The witness is asked if he knew the prisoner well, and he says yes.

The witness is asked after that whether didn't they start a political movement with him in Manitoba, and he says that in Manitoba in 1869 and 1870 he did not directly start any movement with the prisoner. And then he is asked if he did not act like he did in this case, if he did not start with them and abandon them and he says yes. He says that he participated in that movement as long as he thought it was constitutional, but as soon as he saw it was not, he withdrew.

The witness is asked if subsequently to the rebellion and the abandonment that he made in 1870, if he was not appointed Minister of Agriculture, and he says in 1875 he was appointed Minister of Agriculture. He is asked if he was not looked upon as one of the leaders of the Half-breeds of the Saskatchewan, and he says he was looked upon as one of the leaders.

The witness is asked if Father Fourmond did not want to stop Mr. Riel from acting, and he says it may be so, but it is not to his knowledge.

The witness says there was a meeting on the 24th february. He knows Father André spoke there, but he could not say if he asked the prisoner to remain, and he says he may have said so.

The witness is asked if about that time, in february, there had not been a dinner at which the political situation of the Saskatchewan was discussed? And he says he knows of one on the 6th January. The witness says that at that time he spoke, but he did not speak much. He said something at that dinner, but he did not speak much.

The witness is asked if he can swear that at that dinner it was not spoken of the grievances of the Half-breeds and the refusal of the Government to redress them? And the witness says that he was present at that dinner, and that to his knowledge he does not remember that there was any political speech at that. The witness says that he had very frequent occasions to meet Riel, conversing with him since march 1884 till the moment they disagreed.

The witness is asked if the prisoner ever told him that he considered himself a prophet, and he says yes.

The witness is asked if after the meal something strange did not happen, if there was not a question of the spirit of God between the witness and the prisoner? The witness says it was not after a dinner, but it was one evening they were spending the night together at his house, and there was a noise in his bowels and the prisoner asked him if he heard that, and the witness says yes, and then the prisoner told him that was his liver, and that he had inspirations which worked through every part of his body.

The witness is asked if at that moment the prisoner did not write in a book what

he was inspired of, and the witness answers that he did not write in a book, but on a sheet of paper, he said he was inspired.

The witness is asked whether he ever heard the prisoner speak of his internal policy in the division of the country, if he should succeed in his enterprise, and he says yes. He says that after his arrival the prisoner showed him a book written with buffalo blood and the witness said that the prisoner in that plan said that after taking England and Canada, he would divide Canada and give the province of Quebec to the Prussians, Ontario to the Irish, and the North-West Territories he divided into different parts between the European nations. He says he does not remember them all, but the Jews were to have a part. The witness says that he thinks he also spoke of the Hungarians and Bavarians. He says that he thought the whole world should have a piece of the cake, that Prussia was to have Quebec. The witness says that since 1884 there was a committee which was called a council. The witness says he was one of the members of that committee or council. He was only one ordinary member, not president. Mr. Andrew Spence was President. He was an English Half-breed; he said the council condemned him to death and liberated him after and offered him a place in the council.

The witness is asked if he refused that position, and he says he did not refuse it and that he accepted it, but it was only to save his life because he had been condemned to death. The witness is asked if he was present at the meeting at Prince Albert, and he says he was not there, he was outside, he did not speak there. The witness says that before the battle of Duck Lake he saw Riel going about with a Crucifix about a foot and half long, that the Crucifix had been taken out of the next church, near by. The witness is asked if it is not true that when there was a question in the Saskatchewan of the police, the character of the prisoner changed completely, and that he became very excitable and even uncontrollable, and the witness says that whenever the word police was pronounced he got very excited. The witness is asked if at the time it was said in the district that 500 police would be sent to answer the petition of the Half-breeds, his character did not become very excitable, and he says that after that he did not see the prisoner, but before that, whenever the word police was pronounced he got very excited. He says that what he said here was about the month of January or even February, and about that time Captain Gagnon passed in the country and stopped in the prisoner's house to inquire what was the road of St. Laurent, and there was only the prisoner's wife and Mr. Dumont in the house, and when the prisoner came back and was informed that Mr. Gagnon had been there, he got very much excited, and the woman could not explain it, what Gagnon had stopped there for, and he got very excited, and the population generally got excited too. He does not know whether those policemen had their uniforms on or not. He says he cannot say at what date that was that Gagnon passed there, but he says he heard of the 500 police coming to the country only after arms were taken up. The witness says that one of his sons was arrested after the fight of Batoche and that he was brought here to the Barracks and was released within the last few days. The witness is asked if he had any influence, and he says he does not know what influence he could exercise, he says that at any rate he has been put at liberty since. The witness came to Regina to give his evidence in this case.

Examination of Mr. CHARLES NOLIN continued through the interpreter.

The witness is asked if the council which he spoke of a while ago and which was presided over by Mr. Andrew Spence, was the same as that which condemned him to death, and he says no.

Mr. JUSTICE RICHARDSON. That is, the old council was not the council that condemned him to death.

Witness says that the Council that condemned him to death was not that which was called *ex ovid*.

Witness is asked if prisoner had separated from the clergy, and he says completely. He says the Half-breeds are a people who need religion. Religion has a great influence on their mind. The witness is asked if without religion the prisoner could have succeeded in

bringing the Half-breeds with him, and the witness answers no. It would never have succeeded. If the prisoner had not made himself appear as a prophet, he would never have succeeded in bringing the Half-breeds with him.

By Mr. Lemieux, recross-examination.

The witness is asked if the prisoner did not lose a great deal of his influence in that way by the fact that he lost the influence of the Clergy, and he says that at the time he gained influence by working against the Clergy and by making himself out as a prophet. The witness is asked if he means that the people did not have confidence in their Clergy, and he says no, but he says they were ignorant and he was taking advantage of their ignorance and their simplicity.

THOMAS SANDERSON sworn, examined by Mr. Robinson.

There is a paper which has not been read yet and which was proved by the witness Jackson. It is dated 15th May, 1885. It is addressed to General Middleton.

Major-General Frederick Middleton :

General—I have received only to-day yours of the 13th, but our Council have dispersed. I wish you would let them quiet and free. I hear that presentiy you are absent. Would I go to Batoche, who is going to receive me? I will go to fulfil God's will.

(Signed),

LOUIS "DAVID" RIEL, *ex ovid.*

15th May, 1885.

Mr. JUSTICE RICHARDSON.—Was that document proved?

Mr. OSLER.—It was proved by Jackson, no 19.

Mr. ROBINSON.—Q. I believe you are a farmer living at Garrot River settlement?
—A. Yes.

Q. Do you remember the 20th of March last, do you remember that day?—A. I do not exactly remember that date.

Q. Well, do you remember Gordon coming to you?—A. Yes.

Q. About when was that?—A. I think it was about the 20th. I don't exactly recollect the date.

Q. Was it at your house?—A. At my father's house.

Q. What did he desire you to do?—A. To go with him, to conduct him to meet Colonel Irvine.

Q. He wished you to go with him, to conduct him to meet colonel Irvine?—A. Yes.

Q. Where was colonel Irvine represented to be coming from?—A. Coming from Qu'Appelle.

Q. And what were you to do, to show Mr. Gordon the way?—A. He did not know the way and requested me to take him through the woods to avoid the rebels.

Q. How far were you taken?—A. To Hoodoo, away as far as I possibly could to secure his safety and the safety of the despatches he carried.

Q. He was carrying despatches, and he wished you to take him through the woods to avoid the rebels?—A. Yes.

Q. How far did you go with him?—A. To Hoodoo.

Q. How far is Hoodoo?—A. About fifty miles, it is between Batoche and Humboldt.

Q. When did you get there?—A. About noon of the following day.

Q. What did you find when you got there?—A. I found Mr. Woodcock who was then in charge of Hoodoo station, and another man whose name I don't know who had just come there with a load of oats.

Q. What do you mean by a station, is it a mail station?—A. A mail stopping place. There were also two other men with sleighs loaded with flour and goods, for Carlton, I think they told me.

Q. For whom?—A. I think for the Hudson Bay Co but I am not positive.

Q. Who were the men?—A. Mr. Isbister and another I think who was called Campbell, I have seen the man often before, and I think that is his name.

Q. What happened while you were there?—A. On towards the evening while I was out washing about the store, I saw two Half-breeds as I suppose, coming along in jumpers and I stepped inside and told Woodcock the rebels were coming for us, and went out again and finished my washing and then they drove up to the door, drove up along the road, got out of their jumpers and walked into the house and I asked them what was going on at Batoche, and they said nothing much, and I asked if Mr. Riel was taking prisoners and they said that they had got some, and I asked if they were getting a good deal of flour and he said they were getting a good deal, and I sat down to supper and they went on conversing among themselves.

Q. What else took place that you remember?—A. At supper a few more came in. I said "getting pretty thick, I guess I will go outside and see if there are any more outside," I went outside and found about twenty or twenty-five armed men, and returned and finished my supper.

Q. What did you do next?—A. There was one stepped up and said he had a letter for Woodcock. I handed him the letter, on a small slip of paper, and he read it, he handed it to me to read and I think it stated that: We have been told that you are going to furnish the police now coming up with hay and oats, if you do we will consider you a rebel. Signed Garnot.

Q. Well what else was said or done?—A. I said they hadn't ought to consider him a rebel at all, that he was simply performing his duty and if Mr. Irvine had orders to get hay and oats there, he would certainly have to give them to him and that I did not think they should consider him a rebel on such grounds or an enemy to them, with the idea probably of them getting or leaving them there. They said anyway they had to take him prisoner and take him to Batoche, and I spoke up in his defence and they said they were going to take me also.

Q. Did they take you too?—A. Yes.

Q. Now was there a Mr. Isbister there?—A. Yes.

Q. And they took you both to Batoche?—A. Yes.

Q. When did you get there?—A. I should say about 11 or 12 o'clock, I am not positive.

Q. How many went with you?—A. I think there were either seven or eight in my sleigh and about the same in Woodcock's.

Q. Armed?—A. Yes.

Q. What did they do to Mr. Isbister?—A. I don't know, he was left there when I came away.

Q. You don't know whether they took his freight or not?—A. I saw him next day in Batoche, and I think they did not, but I am not positive.

Q. You got to Batoche about twelve I think?—A. I did, about twelve.

Q. And what happened there?—A. I was taken out of the sleigh and taken into the church.

Q. Whom did you see there?—A. Well I was not acquainted with any of them. I knew one was Gabriel Dumont, I had seen him before and knew him by sight.

Q. How many did you see?—A. I should say about 300 around the church and in the church that night.

Q. That was the 21st?—A. I think it was the 21st.

Q. Were they armed?—A. Nearly all that I saw were armed.

Q. Were they all Half-breeds or any of them Indians?—A. Some Indians and some Half-breeds. It was after night and I could not distinguish them.

Q. How long did they keep you?—A. Dumont got up and made a speech of some length, I should say it took him about an hour, and afterwards an Indian got up and made a speech that lasted about half an hour, and then there were a good deal of talking, and they took us away to the council house.

Q. Near the church?—A. A little up the road from the church

Q. What happened when you got there?—A. There were several men around the lower story, some eating and some talking and so on, and they kept me there till Mr. Riel came.

Q. And what did he say or do?—A. I was then conducted upstairs as I suppose into the council room. Mr. Riel asked me what I—

Q. Were they sitting as a Council around a table?—A. I don't know, they were sitting around the table and around the house in all shapes possible.

Q. Was any body acting as Secretary?—A. Yes, one whom I afterwards knew as Garnot was acting as Secretary. Mr. Riel asked me what I was about, and I told him I did not know what he meant. He says "what are you about" and I says "I don't know what you brought me here for." Says he, "where do you come from" I said I come from Garrot river. He says "I consider you my enemy," and I says "all-right."

Q. Well, what more?—A. He asked Mr. Woodcock some questions, I am not positive what the questions were, that is all that was said to him till morning.

Q. What took place in the morning?—A. In the morning I requested an interview with Mr. Riel and he gave me one. I asked him what I was brought there for, what he had against me, and he said he considered me an enemy, and I asked him why. And he said he considered all the people at Garrot river as his enemies, and I told him I did not know any person there who were against him in the movement before he took up arms, and when I left there they did not know he had taken up arms and I said as far as I was concerned, I was not his enemy although I would not take up arms to defend him, and I thought my best plan was to make some way to get out of there if I possibly could, for I was in a bad box. I was then taken to a house that I was told afterwards was Garnot's, where I found other prisoners.

Q. And what took place then?—A. I don't just recollect everything that took place there was so much.

Q. Well, what conversation had you with the prisoner?—A. With Riel?

Q. Yes.—A. He came and asked me down that forenoon, I think it was in the forenoon, and he wanted me to speak to him. He asked if I knew there was any police coming and I told him I thought there was, but I was not sure, and he said he had been told there were 500 coming, and he asked me if I thought it was true, and I told him I guessed it was, that I thought there was 500 coming, he asked if I thought there was. I forget

now how he mentioned it, any way a deputation to settle his grievances was coming with them and I told him I thought they were coming, something to that effect, that they were coming to try to settle this rebellion.

Q. A deputation was coming to try and settle this rebellion?—A. Yes.

Q. You mean the 500 policemen were the deputation?—A. No, I meant that there were other parties with the 500 policemen.

Q. Now, did he talk to you about his grievances and what they were, or anything else?—A. Not at the time.

Q. Well when did he, if at any time?—A. He did after the Duck Lake battle, and I think the day before, I had several conversations with Mr. Riel. I could not just recollect what he said. He did talk to me about them after the Duck Lake battle, and I think the day before.

Q. Did he speak about his grievances or what were the grievances?—A. I could not state positively what he did claim as grievances, there were three grievances and other things, I don't exactly recollect what the conversation was.

Q. Were they general grievances or personal grievances?—A. General grievances he spoke to me of.

Q. Well, what took place next, how long were you kept there?—A. I think I was kept there till Wednesday in Batoche, I am not positive.

Q. And what happened there?—A. Till the day before the Duck Lake fight, and I was then taken to Duck Lake.

Q. With an armed guard?—A. With an armed guard.

Q. And where were you put there?—A. In the upstairs of Mr. Mitchell's house, at least I was informed it was Mitchell's.

Q. With other prisoners?—A. Yes, Mr. Peter Tompkins, Mr. Lash, William Tompkins and Mr. Woodcock.

Q. Did you see the people coming over, the body of the Half-breeds and so on coming to Duck Lake?—A. I saw them leaving Batoche and going to Duck Lake the night previous.

Q. About how many?—A. I should say between 400 and 500.

Q. Was Riel with them?—A. I did not see him.

Q. Did you see Riel at Duck Lake?—A. Yes.

Q. When?—A. Before going out to the battle, and coming back from it.

Q. Did you see him actually going out to the battle?—A. Yes, I saw him going out of the yard towards where the police were coming.

Q. With others?—A. With about between twenty and thirty men.

Q. And you saw him coming back from it?—A. Yes.

Q. Well, when he came back did you hear him say anything?—A. I heard him speaking but I could not understand him for he spoke in either French or Cree, I could not say which.

Q. Did he come and speak to you at all?—A. He did, after speaking to them he came upstairs and brought up Charles Newitt, the wounded man.

Q. What did he say about him?—A. He told us it was about the best thing he could do with a wounded man, that he thought we would take better care of him than his own men would, and I thanked him for bringing him up to us, and he then went down stairs.

Q. Did he tell you anything about the battle?—A. Yes, he did. After he came back

I asked him how many were killed, and he said nine and he thought there were more, but nine were left on the field, he thought a good many went away on the sleigh.

Q. Did he tell you anything else, about the battle?—A. I asked him who fired first and he said the police, and he said afterwards he then gave orders to his men to fire, three distinct orders.

Q. Did he say how he gave the orders?—A. "In the name of the Father Almighty I command you to fire," was the first time. I think those are as near the words as I can repeat them. I think he said the second time, "in the name of Our Saviour who redeemed us I command you to fire," and the third time "in the name of the Father, Son and Holy Ghost I command you to fire."

Q. Then how long did you remain at Duck Lake?—A. Till next day.

Q. And where were you taken then?—A. I asked Mr. Riel what he was going to do with the dead bodies the day of the battle, and he told me that he did not know, that they would consider. I said he ought to send some word to major Crozier, and let him know and allow him to come and take away the bodies, and he said that he would consider the matter and see his council. Afterwards he came back up there and I asked him what he was going to do and he said they were afraid to send one of the men for fear Major Crozier would keep him prisoner. I told him if he would send me I would come back and give myself up again as a prisoner, and he said he would consider it and he afterwards concluded to send one of the men and then finally he came himself and told me he would send me.

Q. Did he give you any letter to take?—A. Yes.

Q. Is that the letter he gave you (showing witness a paper)?—A. Well, I could not say for I never saw the letter only while he was writing it, so that I could not actually give any evidence on the letter, I could not swear to it.

Q. You could not identify the letter or swear to the letter?—No, I did not see it afterwards.

Q. Did you give the letter?—A. I did.

Q. To whom?—A. To Major Crozier.

Q. And what happened then?—A. The next that happened I was detained by the police then and was not allowed to go back as I had promised to do to Mr. Riel.

Q. Did you assist in bringing the dead from the field?—A. Yes.

Q. Well, did Riel ask you any question after coming back from Duck Lake at all?—A. Yes, he asked me about the police. He had requested while going with his message to tell the people, the volunteers, that he did not wish to fight them, that he wished them to remain neutral and afterwards help him to establish a government, and when I went back to Duck Lake I told him I had told the people this, which was a lie. I told him also that I was taken prisoner by Major Crozier, and put into the cells, which was true, and that I was afterwards taken to Prince Albert by Major Crozier, that the volunteers there kicked because I was taken prisoner, that Major Crozier was afraid to stay and left Carlton and went to Prince Albert. That was lies also.

Q. That is the information you gave Mr. Riel?—A. That I gave Mr Riel.

Q. And then what happened to you?—A. Before giving him this information, he asked me about them and I told him that I had refused to tell anything about them without he told me whether I was to go back to the prisoners, and whether I would be allowed to go at large, go free, and he said I would be allowed to go free, so then I spun him a little yarn.

Q. Who wrote this letter you took to Major Crozier?—A. I could not say positively,

Mr. Riel was writing so was Mr. Garnot and they had a great time getting up the letter, so I don't know which I could say.

Q. What do you mean by a great time?—A. They wrote so many of them and destroyed them.

Q. They wrote more than one before they got one to suit them?—A. Yes.

Q. And finally they finished one and gave it to you?—A. Yes.

By Mr. Greenshields.

Q. At the time you were taken prisoner did Riel take any part in it?—A. No, I did not see him.

Q. It was only after you been had taken prisoner that you saw him?—A. Yes.

Q. Now, at the time you spoke to him regarding the formation of a government, did he give you any idea of what kind of a government he proposed forming?—A. Yes, he was going to divide the country into seven parts, one part was to be for the Canadians, or white settlers, one seventh, another seventh for the Indians, another seventh for the Half-breeds, and he named over what he was going to do with the rest, I don't recollect the names of the people.

Q. Did he tell you he was going to give over other sevenths to other nationalities, the Poles, Hungarians and Bavarians and Jews?—A. He did not.

Q. Did you hear him say anything about giving a portion of it to the Germans?—A. No, not to my knowledge. He named over, I think it was three-sevenths of it was to remain to support the Government.

Q. That was for himself, I suppose?—A. Yes, I suppose, for the Government he was about to establish.

Q. Now, that was about the extent of the conversation with him regarding this Government?—A. Yes, that was about the extent of it.

Q. He did not say anything about expecting assistance from foreign powers in his undertaking?—A. No, he did not.

Q. Did he talk to you anything about religion?—A. Yes.

Q. What did he tell you about that?—A. He told me he had cut himself loose from Rome altogether, and would have nothing more to do with the Pope, that they were not going to pay taxes to Rome. He said if they still kept on with Rome they could not agree with the Canadian and white people who came there to live, because their Government would have to keep all Protestants out of the country, if they kept on with Rome.

Q. That is, if the Riel Government kept on with Rome they would have to keep all Protestants out of the country?—A. Yes.

Q. And abandoning Rome they would be able to allow Protestants to come into the country?—A. Yes, that is what I understood from him.

Q. Well, did he mention anything to you of who was to succeed the Pope?—A. He did not.

Q. Did he tell you he was going to play Pope for the North-West Territories?—A. He did not.

Q. Well, did he explain to you any of the principles of the religion that he was founding?—A. No, by the way he spoke to me, the religion was just the same, any more than he had cut himself from the Pope.

ROBERT JEFFERSON sworn, examined by Mr. Casgrain.

Q. In the course of this last Spring, I believe you were in Poundmaker's reserve, were you not?—A. I was.

Q. In his camp?—A. In his camp.

Q. About what month?—A. The end of March and April and May, I don't believe it was the whole of May though.

Q. Last?—A. Yes.

Q. Who is Poundmaker?—A. He is one of the chiefs of the Cree tribe.

Q. Had he a band of Indians with him?—A. He had a band of Indians.

Q. A large band?—A. Yes, he had a large band.

Q. Do you recognize this letter (No. 18), and if so, where did you see it?—A. Well, I have seen it twice.

Q. Where did you see it the first time?—A. I saw it the first time in the camp, and the second time it was in the camp too.

Q. You saw it twice in the camp?—A. Twice in the camp, yes, once after the capitulation and the other before.

Q. Whose hands was it in the first time you saw it?—A. It was in the hands of Poundmaker.

Q. And the second time?—A. The second time it was in the hands of Poundmaker's wife.

Q. How did it get there, into the camp, in Poundmaker's hands?—A. It was brought in by Delorme and Chic-i-cum.

Q. What was his Christian name, do you remember?—A. I could not say.

Q. He was a Half-breed?—A. He was a Half-breed, yes.

Q. From where?—A. From Duck Lake.

Q. Chic-i-cum is an Indian, is he not?—A. Yes.

Q. Do you remember the battle of Cut Knife?—A. Yes.

Q. Was this before or after the battle of Cut Knife?—A. It was before considerably.

Q. Was it after the battle of Duck Lake?—A. Yes, it was after the battle of Duck Lake.

Q. When was the battle of Cut Knife fought?—A. I could not say the date.

Q. About what time?—A. About the beginning of May.

Examined by MR. GREENSHIELDS.

Q. Was Poundmaker reading this letter at the time that you saw it in his hands?—A. No, he was not.

Q. Do you know whether he can read or not?—A. I do.

Q. Does he read English?—A. No.

Q. Does he read French?—A. No, nor French, he does not read at all.

Q. What was he doing with the letter when you saw it in his hands?—A. The letter was brought to him.

Q. Handed to him?—A. Yes.

Q. In your presence?—A. No.

Q. Did you see it brought to him?—A. No, I could not say that I saw it brought to him.

Q. Well, how do you know that the letter was brought to him?—A. Well, every one said it was brought to him.

Q. But you don't know anything about it yourself?—A. I beg your pardon, I know it was brought to him, he said it was brought to him.

Q. Who said so?—A. Poundmaker.

Q. But you don't know of your personal knowledge it was brought to him?—A. No, I did not see it brought to him.

Q. What was he doing with it when you saw it in his hands, was he looking at it as a matter of curiosity, or what?—A. No, I believe he was going to put it away.

Q. Did he know what it was?—A. Yes, he knew what it was.

Q. He knew it was a letter, eh?—A. He knew it was a letter.

Q. Did he ask you to read it for him?—A. No, he did not.

Q. Do you know yourself, now, where he got that letter, how he got it, of your own personal knowledge, not what he told you or anybody else told you, but of your own personal knowledge?—A. No, I don't.

Q. You don't know anything about it, do you?—A. No.

Q. You don't even know whether it was intended for Poundmaker or not, do you?—A. Not of my own personal knowledge.

Re-examined by Mr. CASGRAIN.

Q. Was this letter read to Poundmaker?—A. It was.

Q. By whom?—A. By the man that brought it.

Q. Was it interpreted to him?—A. It was interpreted to him.

By Mr. GREENSHIELDS.

Q. How do you know it was read to him?—A. I heard them read it.

Q. Where were you when it was read?—A. I was there when he.....

Q. Do you understand French?—A. I don't understand very much of it.

Q. Did you have the letter in your hands?—A. I did, yes.

Q. Was it read in English to Poundmaker or in French, or how, or German, or what?—A. It was translated for him I believe, it was read in French first, I am not certain about it though.

Q. How do you know it was translated to him?—A. Well, I heard what was called a translation of it.

Q. What were you doing about that time?—A. I was listening.

Q. Now, how do you know it was translated if you never read the letter?—A. I never said I never read the letter.

Q. Well, did you read it?—A. I did read it.

Q. Before or after it was translated?—A. After this.

Q. After it was translated?—A. After it was translated.

Q. Let us hear you read it now and tell us what is in it?—A. But I have heard your translation here.....

Q. You said you heard that translated, because you understood it, now let us hear what that letter means, not what anybody told you or what you heard, but we want to know what your knowledge of the contents of that letter is?—A. (reading the letter as follows):.....since we wrote to you, important events have occurred, the Half-breeds and Savages and Indians of Fort Battleford and vicinity, since we wrote to you important events have occurred, the Police came to attack and we encountered them. God has given us victory; 30 Half-breeds and 5 Crees have sustained the battle against 120 men, after thirty-five or forty minutes of fire the enemies took flight. Bless God....

Q. Now, did you read the letter before it was translated in language to Poundmaker?—A. No, I read it afterwards.

Q. And he read it in French first of all to Poundmaker and then afterwards in English?—A. Then afterwards in Cree. I think he read it in French first, but I am not sure.

MR. JUSTICE RICHARDSON.

Q. Do you understand Cree?—A. Oh, yes.

MR. ROBINSON—I think, your Honor, that that will be the last witness for the Crown. I am not quite sure till to-morrow, and, of course we will adjourn now, it being 6 o'clock.

Court here adjourned till 10 A. M. to-morrow.

FATHER ALEXIS ANDRÉ, sworn, examined by Mr. LEMIEUX. Mr. F. R. MARCEAU being interpreter,

Q. What is your name in religion?—A. Alexis André, Oblat. I would prefer to speak in French. I understand the English very well, but in speaking it, it is quite a different matter.

Q. You are the Superior of the Oblats in the district of...?—A. Carlton.

Q. For how long?—A. Since seven years.

Q. Since how long have you been living in the country?—A. I lived in the country since 1865, in the Saskatchewan.

Q. Do you know the population and the habits of the people?—A. For twenty-five years I have been continually with the Half-breeds of the Saskatchewan above and below, I was with the same population in Dakota for four years.

Q. You have been with Half-breeds, Catholics and Protestants?—A. They were mixed up in the colony, and I knew a great many both of the Catholic and Protestant Half-breeds, and had a great many friends among the Protestants.

Q. Do you remember '84 and '85. Do you remember the events of those years?—A. Yes very well.

Q. Do you remember the circumstances under which the prisoner came into the Saskatchewan country in 84?—A. Yes, I remember very well.

Q. At that time there was an agitation in the Saskatchewan about certain rights the Half-breeds claimed they had against the Federal government?—A. Yes, about three months before there was an agitation among the English and French Half-breeds.

Q. State what were the claims of the Half-breeds towards the Federal Government?—A. At first I did not know what was the cause of the agitation in the country.

Q. Afterwards?—A. After, we knew from Half-breeds that they were going to see Riel.

Q. And finally Riel came into the country?—A. Yes.

Q. In what month?—A. About the 1st July 84.

Q. During the first months that he was in the country was there a constitutional agitation going on?—A. Yes there were meetings held amongst the French and English Half-breeds and at Prince Albert there was a meeting at which I was present myself.

Q. Do you know that resolutions were passed and sent to the federal authorities?—A. I did not know that resolutions were passed at the meeting.

Q. Did you know of petitions and requisitions being sent to the federal Government?—A. At that time I did not know of any, only of the meetings and the speeches.

Q. At the assembly you were at, did you take part?—A. No, I was there as a spectator and did not speak.

Q. You did not take any part?—A. No, I was only there as a spectator.

Q. Did you yourself communicate with the Dominion Government?—A. At what time?

Q. I mean in regard to the rights and claims of the Half-breeds?—A. Yes, I communicated.

Q. At what time?—A. I am not sure at what time, in 1882, I did communicate.

Q. Since that have you communicated?—A. Not directly.

Q. How did you communicate?—A. I communicated directly in regard to Riel.

Q. Can you tell me in what manner you communicated?—A. I communicated in December, when Riel said he wanted to go out of the country because of the agitation that was existing in the country.

Q. Did you communicate after that?—A. No, I communicated after the rebellion.

Q. With whom?—A. The Minister of Public Works.

Q. Sir Hector Langevin?—A. Yes, asking help for those who were in distress.

Q. What were the claims of the Half-breeds?—A. Since when, you must distinguish.

Q. From 1884 till the time of the rebellion?—A. Since the arrival of the prisoner in the country?

Q. Yes?—A. It would be difficult to tell that, they changed from time to time since the arrival of the prisoner.

Q. Before his arrival?—A. They demanded patents for their land, demanded frontage on the river and the abolition of the taxes on wood, and the rights for those who did not have scrip in Manitoba.

Q. In what way did the Half-breeds put forth their rights before the arrival of the prisoner?—A. By public meetings at which I assisted several times myself.

Q. Did you take part yourself?—A. Yes, at all those meetings.

Q. Were communications made with the Dominion Government, resolutions and petitions?—A. I remember three or four times that there was.

Q. Did you get any answer to your communications?—A. I think we received an answer once, perhaps we received an answer once.

Q. Was the answer favourable?—A. No, it was an evasive answer saying they would take the question into consideration.

Q. That was the only answer to a number of communications?—A. Yes, I know of another communication made by Monseigneur Grandin to the same effect.

Q. Did he get a favourable response?—A. No, I don't know of any.

Q. Do you know if there was any answer sent to Charles Nolin, in regard to a

petition sent to the Government?—A. It was in regard to those meetings, I was making reference, I only know as to one answer.

Q. Finally after these petitions and resolutions had been adopted at the public meetings and sent to the Government, was there a change in the state of things that existed then?—A. The silence of the Government produced great dissatisfaction in the minds of the people.

Q. To day are the people in a better position than they were before in regard to the rights they claim?—A. They have not yet received the patents for their lands on the South Saskatchewan.

MR. OSLER.—I must object to this class of questions being introduced. My learned friends have opened a case of treason justified only by the insanity of the prisoner, and they are now seeking to justify armed rebellion for the redress of their grievances. These two defences are inconsistent, one is no justification at all. We are willing to allow all possible latitude but they have gone as far as I feel they should go. We have allowed them to describe documents which they have not produced, and answers in writing so that they might not be embarrassed and that the outline of the position might be fairly given to the jury, but it is not evidence, and if my learned friend is going into it in detail, I think it is objectionable.

HIS HONOR MR. JUSTICE RICHARDSON.—Supposing they are going to produce these writings.

MR. OSLER.—They could not be evidence, they would not be evidence in justification. That is admitted. It cannot be possible for my learned friend to open the case on one defence and go to the jury indirectly upon another. Of course it is not really any defence in law and should not be gone into with any greater particularity. If this is given in evidence we will have to answer it in many particulars, and then there would be the question of justifying the policy of the Government.

HIS HONOR MR. JUSTICE RICHARDSON.—It would be trying the Government.

MR. OSLER.—It is as it were a counter claim against the Government, and that is not open to any person on a trial for high treason. We have no desire to unduly limit my learned friend, but I cannot consent to try such an issue as that here.

MR. LEMIEUX.—I do not want to justify the rebellion, I want to show the state of things in the country so as to show that the prisoner was justified in coming into the country and to show the circumstances under which he came.

HIS HONOR MR. JUSTICE RICHARDSON.—Have you not done that already.

MR. LEMIEUX.—I have perhaps to the satisfaction of the court, but perhaps others may not be so well satisfied.

MR. OSLER.—If you do not go any further we will withdraw our objection.

MR. LEMIEUX.—I want to get further facts, not in justification of the rebellion but to explain the circumstances under which the accused came into the country. If I had a right to prove what I have already proved a minute ago, I am entitled to prove other facts. If I was right a minute ago, I should be allowed to put similar questions now.

HIS HONOR MR. JUSTICE RICHARDSON.—The objection is not urged until you had gone as far as the Counsel for the Crown thought you ought to go.

MR. LEMIEUX.—It is rather late now to object.

MR. OSLER.—I warned my learned friends quietly before.

MR. LEMIEUX.—Well, I will put the question and it can be objected to.

Q. Will you say if the state of things in the country, the actual state of things in the country, in 1882, 1883 and 1884, and if to-day the state of things is the same as in