

the pocket of another of the party, and put it to his head and fired it; I then, supposing the man to be dead, entered the Fort; before and after the firing of the pistol, I observed that Scott's coat had been pierced; I took it that the bullets had passed through his chest and out of his shoulder; passing within the gate I met Riel; I asked for the body that I might get it interred; at first he consented, but very soon recalled that consent; I met Goulet, and he said I had better get a sleigh; I said I should be glad to do so if I should be allowed; at that time the body was in the rough box or coffin; Nault said he objected; I then came to town and tried to use some parties' influence to get the body delivered up to them; I was told that if I would get the Bishop of Rapert's Land to guarantee that it would be buried quietly and without any demonstration, we should have it; accordingly, next morning the Bishop and myself waited on Riel for that purpose; he told us he was very sorry to disappoint us, but the Adjutant-General, who was responsible for this case, had instructed it to be interred in the walls of the Fort, as he had a right to dispose of the body; after the Bishop had left I importuned Mr. Riel to give me the body, as I wished to write to Scott's mother that day and inform her of the interment of her son's body, as it would be some little comfort for her to know that her son's body received Christian interment; the answer was as before, he could not interfere with the case; he seemed to be very much displeased with the remark that he had a mother left to mourn over him.

In reply to His Lordship.—I have no personal knowledge who were Riel's council; Nolin I knew as secretary for Mr. Lepine; I have obtained passes from him from time to time.

In reply to Mr. Cornish.—I should think the firing party distant about twenty or thirty feet; it did not so impress me at the time as being as far as across the hall; I do not recollect who commanded the firing party; I noticed a great deal of blood after the firing, on the snow, and heard his voice shout instantly after the firing, but did not recognize any words; there were two sounds, one like words and the other like a moan; this was previous to the discharge of the pistol shot; after this the box was closed; I have no doubt at all of his death.

EVENING SITTING.

D. U. Campbell sworn.—Have resided in Winnipeg off and on for five years; on the 17th December, 1869, a number of us were taken prisoners by a party of men that had assembled at the Fort; some time previous I was a prisoner there ten weeks with about forty-five others; Scott was not there all the time, about four weeks as far as I can recollect; he made his escape from the prison; got out of prison myself about the 13th of February; the prisoners were let out upon two separate days; I was liberated upon taking an oath of neutrality; about twenty others were released at the same time; the others were let out two or three days after; the oath was taken before Riel, O'Donohue and some others; did not go down to Kildonan; knew a party had come there from the Portage the next day but one after I was liberated; on the 17th February, the second party of prisoners were taken; (the witness corroborated the evidence of other witnesses with regard to the arrest of the Portage party;) visited Fort Garry a few days after, and daily after Thomas Scott was one of the prisoners; my object was to take provisions to the prisoners; was not interrupted except one day; I was not allowed to go out of the Fort; the sentry said that I should have to see the President; did not wish to see Riel; asked to see some one else; I was then directed to see the Adjutant-General; his name was not mentioned, but I knew who was meant, it was the prisoner Lepine; was going to his office, he met me at the door, spoke to him, "I wish to go out of the Fort, will you instruct the sentry to let me pass out"; he then beckoned to the sentry and

said something to him that I could not understand; I spoke to Lepine in English and he appeared to understand me; had never conversed with him before that nor after; saw Scott on the 4th of March; went up with Mr. Schultz to the Fort and enquired for the Captain of the Guard; do not know his name; was told he was at the Council and that I should have to remain for some time; a short time after I had been there, the Rev. Mr. Young came in and went into Scott's room; he came out and requested me to go and see Commissioner Smith to intercode; I did so, came back and went into the guard-room; Mr. Young was there with Scott; a short time after two men came in—one having a cord and the other a piece of white cotton; they went into the room in which Scott was and tied his hands behind his back, and placed the cotton over his eyes; after, he (Scott) had permission to bid farewell to his fellow-prisoners; he did so and was then taken down stairs and taken towards the small gate of the Fort; Mr. Young was walking by his side; the men who went up to the room were with them; cannot tell whether they walked before or behind; I was looking through a window in the guard-room that looked in that direction; a number of men belonging to the Fort were standing armed with guns at the small gate, towards which Scott went; I think about twenty; saw others unarmed, about six or eight; saw the prisoner there, also O'Donohue and Riel; they were between the centre building of the Fort, Dr. Cowan's house and the small gate that was there then but is not now; Dr. Cowan's house was used as the officers' quarters; the Council was held there; Riel, O'Donohue and Lepine were together and conversing; they were in this position when Scott was going to the gate; he passed them; could not see Scott go out of the gate; the others passed towards the gate in the same direction; a party of men, five or six, went out towards the gate also; I supposed these to be the firing party; as near as I can recollect, the firing party went out before Riel, O'Donohue and Lepine; at the same time I saw a box being carried out; it was a rough box, such as is used to encase a coffin; this was taken in the same direction; a few minutes after heard a volley; I then saw a box and supposed it to be the same box they had carried out; this was after Riel, O'Donohue and Lepine had come in; it was borne by half a dozen men in their hands; it was taken towards the centre building and around the corner of McTavish's building, not in the same direction taken by Riel, O'Donohue and Lepine; after the discharge of the volley, did not hear any other shot; it was about ten minutes after the volley that I saw the box brought in; saw Riel, O'Donohue and Lepine together on March 10th, in Dr. Cowan's building; I went there to get a pass to go through the country; obtained the pass, went into Riel's office with three others; he was alone; he did not grant us the pass at once, but asked us to step in another room; we did so, he closed the door after us; we remained there a couple of hours, during which time O'Donohue and Lepine passed through several times, Riel twice; O'Donohue was, I understood, Treasurer of Riel's Government.

Court adjourned at 10.40 p.m.

THURSDAY, October 15.

Court met at 9.30 a.m., Chief Justice presiding.

Examination of D. U. Campbell, resumed.—I did not know the object of these three men being together; I had some further conversation with Riel; prisoner was then in his office; after about two hours' waiting, during which they walked to and fro from their offices, I intimated to Riel, through one of the guards, that I wished an interview with him; Riel at first had not appeared to be willing to grant the passes; after walking up and down he went to his secretary and told him to write out the papers for us; we received the papers from the secretary, whose name I did not know; on his signing them we then left; during the

months of February and March, *i. e.* the ten weeks I was a prisoner, I saw the prisoner frequently, occasionally exercising authority; on the 9th December, together with Riel and O'Donohue, he appeared to be directing the men on the occasion of hoisting their flag; it was a flag with a white ground, fleur de lis and shamrock; there was great enthusiasm on hoisting the flag, and speeches made in French by Riel; the prisoner did not speak, although taking part in the proceedings; Riel appeared to be the leader of the ceremony; there was a military demonstration, a flag-staff was there before, and on this the flag was raised; as the flag was being hoisted up, Riel was addressing his soldiers, and as the flag reached the top of the staff, there was a volley fired, after which Riel continued to speak for some length of time, and then all was quiet; this was the only flag I saw there; neither officers nor men wore any distinctive uniform; there were none on horseback that day; no platform erected; Riel jumped up on some boxes a little higher than the ground, and spoke; I cannot say by whose command the men dispersed; on another occasion, during some little trouble, Riel came into the prison and ordered one of the prisoners to be put in irons; the name of the prisoner was William Hallett, since deceased; he lived about three miles from town, up the Assiniboine River; he was an English half-breed; Lepine was present on the occasion; Hallett was out warming himself at the stove in the guard-room; there was no fire in the prisoners' rooms during the time I was a prisoner; there was in the guard-room; Riel came and said to the guard: "Why do you allow these dogs to come out into the guard-room?" upon which Hallett said: "I am the cause of all the trouble;" Riel then ordered him to be put in irons; Hallett went into his comrades, who said he should not be put in irons unless they were with him; the soldiers were then drawn up round the prison by order of Riel and Lepine; Riel and Lepine then came into the guard-room; Lepine came to the door of the room where Hallett was, with a revolver in his hand, and ordered him out; one of the prisoners, Franklin, stopped in between and took hold of Lepine; the Captain of the guard then took hold of Lepine and drew him back; the guard was standing looking on with their muskets with their bayonets on, ready to use them; one of the prisoners, Smith, went out and one of the guard made at him and his bayonet passed into the partition alongside of him; the Captain of the guard closed the door and kept the prisoners and the guard apart; Lepine was in the guard-room; Captain of the guard came into the room and advised them to let Hallett go out, and gave his word that no harm should come to him, on which Hallett consented to go; he was then taken into another room and put in irons by the authority of Lepine and Riel; there was no fire and no prisoners in the room he was put into; the window was open, and it was 30 deg. below zero at the time; he was confined there about three weeks without any fire—in irons all the time; he was a man between sixty or seventy; the weather continued cold all the time; he had a capot on, and a buffalo robe and a blanket; I might say that each found their own bedding; he died about a year ago; he had bad health from the time he came out; he remained in the prison by himself until he was liberated with the other prisoners; he was very ill up to about six or eight months of his decease; during that six or eight months he was able to go out, but not well; I cannot explain his sickness; his mind was affected, and he committed suicide; I know of no other occasion of the prisoner exercising his authority.

Cross examined by Mr. Royal.—I was not at Kildonan when the party met the party from the Portage; I was a clerk at Dr. Schultz's store; I saw the Portage party met by the party from the Fort from the place now called the Queen's Hotel, adjoining the Club House; I judged the Portage party to be about fifty, from the Fort about twenty horsemen, and between them and the Fort about sixty or eighty straggling; I had been about nine months in the country before this time; I used to visit the prisoners to take them food; I never expected to be paid by the Provisional Government for that food; Messrs.

Ashtdown, Archibald, Mellon, Chisholm and a number of others made up the money to procure food; Dr. Schultz was not in the country then; I asked permission of the Captain of the guard to take food to the prisoners; I do not know his name, nor how many Captains they were; he spoke French; I applied to him in English; on the day I was not allowed to go in, I asked to see the prisoner; I went to him; he saw me coming; I met him at the corner of the building; I asked him to let me pass; the sentry could hear me; the prisoner made a motion, but I do not recollect what he said; I saw Mr. Young in the goal on the 4th of March, in a room with Scott; no one else in the room at first; it was about half-past ten in the morning; I was on the floor level with the cells; there were ten or twelve guards with me; prisoner was not amongst them; I spoke to Mr. Young of Scott's death; he came out and spoke to me, and said he had been to see the persons at the Council, Riel, O'Donohue and Lepine, to obtain a delay in the execution of Scott; I understood Mr. Young that he had seen Riel, O'Donohue and Lepine, all three; he said his request was denied, and asked me to see Commissioner Smith that he might intercede; I left Mr. Young and went to see Mr. Smith; while talking to Mr. Young, Scott was in his room by himself; Mr. Smith was generally known as Commissioner Smith at that time; Mr. Young did not ask me to see Governor McTavish; I saw Mr. Smith and told him that Mr. Young had requested him to use his influence for the delay of Scott's execution; Mr. Smith appeared to be somewhat surprised; there was no guard at his door; he said he would go and intercede in Scott's behalf; he was living in Governor McTavish's house; there were guards on promenade round the wall, but could not say if there was any at Governor McTavish's door; I did not see any; after leaving Mr. Smith I returned to the prison; Mr. Young was there with Mr. Scott; I did not see Lepine then; when Mr. Young and Mr. Scott left, I did not go with them; I lost sight of them by the building intervening; Mr. Young walked by the side of Mr. Scott, and had hold of his arm, I think; Scott had a coat on, a woollen one, an undercoat; I cannot say as to the order of the march; the men did not carry guns; there were some two or three men of large size present; I cannot say whether Lepine was present, or one of them; before the three men came in, I saw Riel, O'Donohue and Lepine between Dr. Cowan's building and John McTavish's with some others; they appeared, from their motions, to be giving orders; judged this by what I saw; they were passing to and fro; after Mr. Young and Scott had passed by McTavish's house, and I had lost sight of them, I saw O'Donohue, Riel and Lepine as described; the window I was looking out of was on the south side; there was a double window; it was about 20 or 25 deg. below zero; I do not consider this very cold for here; there were six men that stood by themselves, and they moved immediately after Mr. Scott; the crowd followed—a great number armed; I could not say how many; Riel, O'Donohue and Lepine were among the crowd; do not know if the windows were frozen; was conversing with a man named William McLean; he was looking on with me; next heard a volley; Lepine made no speech on the hoisting of the flag, only Riel; James Stewart was the man listening at the window and translated to us what he could pick up; I never saw Riel, Lepine or O'Donohue carrying arms; all those that had arms were the soldiers; I have seen the Hudson's Bay Company's flag, and seen it hoisted; Hallett went with Colonel Dennis to Pembina; I think he went as interpreter, as I understand; I believe Colonel Dennis engaged him on account of his being a loyal half-breed; have heard that he had a contract with the Boundary Commission; did not hear of any disagreement; heard of his losing money which he had to reimburse; saw in papers of the unfortunate occurrence of his suicide; I said Hallett's mind was affected; Dr. O'Donnell attended him first; I mean he was weaker in his mind than formerly; I did not know that he had to walk the distance with Colonel Dennis on snow-shoes; the window in Hallett's room was broken; to give an idea of the size, the hole was large enough to pass through.

Mr. Cornish then put a question to the witness as regarded the soldiers and the officers, but His Lordship ruled it of no importance.

Bishop of Rupert's Land sworn.—Resided in the country in 1869 and 1870; I was aware of prisoners being confined—two bodies, one taken at Dr. Schultz's house, in the end of 1869, and another in 1870 off the prairie; both parties were taken by the party in Fort Garry, who had risen in the country; they had taken up arms and occupied the Fort, and exercised a control over the country in general; latterly they were understood to be under the command of Mr. Riel; previous to this a Mr. Bruce was, I believe, their leader; they held the Fort; I was at the Fort almost every week; Governor McTavish was the Governor of the country; I went there to visit him; to my knowledge the holding of the Fort was without Governor McTavish's consent; Governor McTavish died about May or June, upon reaching England; he was dangerously ill the whole period of the troubles, and before they began; I remember the Council of Assiniboia; when the first reports of the rising came, there was a meeting, and it was the opinion of the Council that it would not be practicable to resort any force; there were one or two efforts made to get the insurgents to disperse, but they failed; the general feeling was that any attempt at force made would raise the entire French population, and it would be impossible to raise a sufficient force in counteraction; the force was known to be in arms; there were two or three meetings of the Council; there was no forcible effort to make them disperse, as deplorable consequences might follow; it was thought that some days might be spent in bringing the English population together, and moreover it would not be desirable to bring the two bodies into collision after all; for these reasons nothing forcibly was done; there were negotiations in which Mr. Dease took a part, and I believe the Governor and others did what they could; the intention was to get the party who had risen to disperse peaceably; I think I was the only member that suggested the use of force to put down the movement; the unanimous feeling of the other councillors was as I have stated; a proclamation was issued by the Governor, and I believe it was printed. (The blue-book being produced, His Lordship requested Mr. Carey to read the proclamation to the Court, dated 16th November, 1869, and signed Governor McTavish, Governor of Assiniboia.) This was distributed among the people; the people in the Fort paid no attention to this proclamation; I think at the date of the proclamation the Council no longer sat, as the Governor did not call any meeting; I suppose the Government had no longer any control over the country; we had one or two unsatisfactory meetings, and I wrote a letter to the Governor that I thought it would be better that the Executive would act themselves with the advice of any that the Governor might like to call, and I said I should be glad to act at any time he wished; the Governor never told me the reason the Council met no more; I visited the Fort to get the prisoners released who were taken in Dr. Schultz's house; I went with the Rev. Mr. Young, Rev. Mr. Black, and I rather think with Archdeacon McLean; we saw Riel and O'Donohue; I do not remember seeing the prisoner; I think it was on the evening of the 5th of March that Rev. Mr. Young called upon me to tell me that Thomas Scott had been shot that afternoon, and said Riel told him that if I asked, the body would be given up for burial; next morning I went with Mr. Young to Fort Garry and saw Riel; we told him we had come in regard to his statement that the body would be given up; he said he was sorry I had been brought there; the matter was in the hands of the Adjutant-General, and he would not hear of giving up the body; I understood him to refer to Lepine; there were a number of men digging in front, and we were informed that the body was to be buried there; I am not quite sure if the Adjutant-General was there; I knew him before under that designation; we failed in getting the body and made no further effort, as I felt it was useless; Mr. Young reasoned afterwards; there was a meeting of the Council of Assiniboia after the troops came in, myself, Archbishop of St. Boniface, William Frazer, John Sutherland, Robert McBeth and others; I think there was a sufficient quorum; the meeting was simply

to draw up some resolutions to give Governor Archibald a congratulatory address; upon the arrival of Colonel Wolsley, Mr. Donald A. Smith assumed the command as Administrator of the Hudson's Bay Company, and I, as a member of the Council of Assiniboa, swore in two or three hundred special constables; I am not aware that Mr. Donald A. Smith took the oath of office.

Cross-examined by Mr. Royal.—The troubles arose unexpectedly; Riel called upon me a day or two before the execution of Scott, and said the French wanted land set apart exclusively; discussed on two points, desirability of a Province and of reserves; I think the desire for reserves was the cause of all the trouble; the French did not wish to be mixed, but to be all together; I heard of no understanding that the French had to settle on the upper part and the English the lower part of the river; there are cases of English and French half-breeds marrying, but of limited extent; there were two or three meetings convened of the Council of Assiniboa, after I heard of the troubles; I do not recollect the dates; at one meeting, in October, I think, Riel and Bruce met us by arrangement; they were sent for by Governor McTavish; the Council of Assiniboa was more for giving advice to the Governor than anything else. (A long and tedious cross-examination here ensued as to the meeting of the Council of Assiniboa and its action during the time of the troubles, up to the Proclamation of Governor McTavish of 16th November, 1869, and subsequently, the evident object being to ascertain the manner in which Riel was viewed by Government officials at the time.) The constables were sworn in after the arrival of the troops.

William Chambers sworn.—Lived in Winnipeg in 1869-70; knew Riel by sight; knew of prisoners being confined in Fort Garry; knew the late Thomas Scott; knew he was prisoner somewhere inside the Fort; last time saw Scott, it was outside the Fort; saw him led out of the gate on east side of Fort; after Scott was brought out, he was knelt down in the sleigh track; Rev. Mr. Young knelt with him and prayed; Scott was then removed about twenty or thirty yards; body of armed men then came out of the Fort; they were drawn up in line about twenty or thirty paces from Scott; a man named Lepine appeared to be in command; should take the prisoner at the bar to be the man whom I then knew as Lepine; he stood a little in front of the firing party; took a handkerchief out of his pocket, held it up in his hand, and dropped it from one hand to the other; as he did so the party fired in the direction of Scott; he fell over, and cried out, "O my God! I am shot;" the crowd then gathered up around Scott; one of the firing party took a revolver and fired at Scott's head; saw a white cloth tied on his head; there was blood on the cloth; saw the coffin—a rough box—alongside; went into the Fort for a while; then went up town; that is the last I saw of it.

To the Chief Justice.—Did not know Lepine by any other title than Adjutant-General; recognized him that day when I saw him; should say the prisoner is the man; he stood about three or four feet from the firing party.

FRIDAY, October 16.

The first witness called was

William Chambers, who was cross-examined by Mr. Chapleau.—On the 4th of March, six armed men, I think, came out of the Fort; saw them coming out; don't remember seeing Riel coming out with the soldiers; my attention was attracted to the armed men only; don't remember seeing any one passing between the six armed men and Scott; can't say I saw the prisoner; knew O'Donohue at the time; if O'Donohue, Riel and the prisoner had passed, I might not have seen them, not paying particular attention; there were about hundred and fifty or two hundred spectators from the town, I should think; I noticed no one endeavoring to stop the proceeding; I don't remember seeing

Riel near me on that occasion; I did not pay any particular attention; I saw the man take the pistol out of the pocket—as I thought from his back; when Scott fell over, the party all mixed together, and the man stooped over that shot Scott; I could not tell if he had the revolver himself or not; some one in the crowd might have given him the revolver.

To Mr. Cornish.—I knew Lepine to be Adjutant-General; when I saw him, as I stated last night, I identified him then, and recognized him; I should say the prisoner was the man, but could not swear to him as a positive fact.

Alexander Murray sworn.—I reside near Winnipeg; in the years 1869 and 1870, I resided at Portage la Prairie; I remember the 17th of February, 1870; I was taken prisoner that day, at the back of the town, and was one of the Portage party then taken prisoners; saw prisoner there; I recognize him as Lepine; he and Mr. O'Donohue were on horseback in front of the others of the party; Poché advanced from our party to meet them; could not say whether Poché came back to the party at that time or not; two or three parties came to take my revolvers, but I would not deliver them up; I asked who was in command; they told me the Adjutant-General; (my arms were a gun and seven-shooting revolver;) I told them to stand back or I would knock them down; to bring their commander, and I would deliver them up in his presence; I then took them off; at that time the Adjutant-General was there; I told him I delivered these things up, but expected them back when the Government took hold of the country; he bowed his head and rode on; we went to the Fort and were re-searched; a pocket-book containing £60 was taken from me, I don't know by whose order; I saw O'Donohue, Riel and Lepine standing at the door, a little distance off; I do not know what became of the pocket-book; never recovered my money from these parties; my fellow-prisoners were searched; came from the Portage with Scott; was taken prisoner with him; saw him handcuffed; I remember the morning he was shot; saw what was said to be a coffin, a rough box of boards; I was down-stairs with a guard when I saw this; the guard took me back to my prison and I was locked in; in the building we were in there was a hall; from the guard-room five doors opened into five rooms; I was in the same room as the witness John Bain, at the north-west corner; at first Scott was kept in a room in the range with ours; a short time before the 4th March, Scott was placed in another room on the opposite side of ours; while in this room he lay in irons and handcuffed; I saw Scott on that morning; cannot say positively when Scott was removed; double guards were placed over us, and the cracks and openings looking into the guard-room were closed with rags or paper; a short time before he was taken out, Rev. Mr. Young and Scott stood at our door; the door was opened, I bowed, by one of the guards; Mr. Young said, "Good-bye, boys;" Thomas Scott bowed his head; his hands were tied behind his back, and he had a white handkerchief over his forehead; the door was closed as they moved down-stairs; I never saw Scott afterwards; when Scott and Mr. Young stood at the door, I did not recognize any other persons; I felt so sorry to see poor Scott taken out to be shot, and such a crowd in the room; I next heard report of guns that appeared to come from the road by the east gate; I then looked through the window, and saw Mr. Young in trouble; he was going towards Governor McTavish's residence; he appeared to be wiping tears from his eyes; the next thing I observed was the return of one of the firing party; I recognized the man then, and saw him last spring and also to-day; I cannot tell his name. (His Lordship instructed the witness to ascertain this man's name and inform the Court.) After that, the guards were drinking and fooling round, and got intoxicated that evening; I saw the prisoner that day, but I cannot say how long after Scott was said to be shot; I saw him up-stairs in the guard-room; he was apparently sober and talking to some of the guard; I knew Lepine well; while I was in the prison, I frequently saw him; I saw Riel, Lepine and O'Donohue on the night previous to Scott being shot; they were in the guard-room; Riel came and asked me if I was a

Canadian; I told him no! but I belonged to that party; I went back to my room; he followed me up and apparently looking into my room; I closed the door and said, "Boys, keep quiet, for Riel, O'Donohue and Lepine are in the guard-room;" I knelt on my knees and looked through the key-hole; I heard a knock on the door where Scott was confined; the door was opened slightly by one of the guard; Scott said, "I want to get out;" the door was opened a second time; Riel stepped up to Scott, and Scott said he wished to be treated civil; Riel said he did not deserve to be treated civil, and called him a dog; Scott asked for his book, I think a pocket-book; Riel said he hadn't it; the door was then shut; I understood it to be a call of nature; this was about nine o'clock at night; during the opening and closing of the door, O'Donohue and Lepine were there; there were very few guards in the hall that night; Lepine was called the Adjutant-General; the guards told us, when we wanted some tea made, that they had strict orders from Riel and the Adjutant-General; I saw him one day giving strict orders not to allow us to get out in the guard-room; I got out under the influence of McKenny, Alfred Scott, and O'Lone; I was required to take the oath of their Government; the oath was taken in a building opposite the building he was confined in; it was used as the officers' quarters; I was taken there by these parties McKenny, O'Lone and Alfred Scott, and went into a room; there was a table; the man they call Goulet sat there; he asked me to take the oath; he read it to me in French; the parties with me translated it to me; I was sworn on the Bible or Testament, by Goulet; he had no clerk there; the nature of the oath was—I was to be quiet and not oppose the Provisional Government; I signed nothing as I recollect; I was then taken into the room where the Adjutant-General Lepine was; O'Lone and Scott were apparently half drunk, and were laughing and talking to Lepine; McKenny was sober; they conducted themselves very pleasantly; I did not laugh, I was in a great hurry to get my clothes changed; I did not understand what was said; they apparently said this fellow has got out and laughed over it; I went to town then, and then returned to see my fellow-prisoners with a bottle of wine and some whiskey; I tried to get in, but the guard would not let me; told me to go to the Adjutant-General to obtain leave; I went to him, showed him the flask, said it was for a sick man; he called one of the guard who was passing by, and asked him to explain what I wanted; the man did so; I got his permission, and went up-stairs to my fellow-prisoners; I have seen the prisoner Lepine since several times; I went to his house to get my things restored, in the spring of 1871 following the occurrence; I saw Lepine, I asked him through an interpreter for my things, viz., gun, revolver and pocket-book; he said he hadn't them, but that I had better keep quiet, the Fenians would be in shortly—O'Donohue was coming in with them; I referred to losing my things; he said he could not give them to me; this was all that occurred; (it was in the fall of 1871 that the Fenians came); I went from Lepine to Governor Archibald, and reported this to Governor Archibald.

Cross-examined by Mr. Royal.—I came to this country seven or eight years ago this fall; it was a year or so before the surveyors came, and before the Dawson Route was commenced; I was living at the Portage at the time of the troubles, on my farm; I joined the party at High Bluff first, supposed to be under the command of Colonel Dennis; a man named Hamilton was in immediate command, a young man who came up with the surveyors; about twenty in the High Bluff party; we drilled there about two weeks; it was nice weather; we got word to come down and join Schultz's party in Winnipeg; we had twenty rounds of ammunition apiece given us by the men who told me; Captain Webb gave Hamilton the order, and he told me; a despatch came up of the capture of Schultz's party, so I did not comply with the order; we remained there until further news; no more drilling, but kept guard; Colonel Dennis came up fleeing for his life to the Portage, as we supposed, from Winnipeg; sent his man to High Bluff for horses and a guide, which he got; a

man named Paquin went as guide; he went across by the Pembina mountains, as I understood, to St. Joseph; he did not see our party, to my knowledge; we kept guard on the road by the house, so as to challenge any strangers to explain their business, and to prevent spies; we did not apprehend any attack; soon after that we disbanded; the next movement was when some persons who had escaped came to the Portage, and said that the prisoners were starving, and in filth and dirt; it was the report that Governor McTavish could have squashed the rebellion, if he had not given up the Fort, and arms, and ammunition, and provisions in it; that the French would have had no power to get up the rebellion; it was said he opposed no resistance, while he could have called in to protect the Fort a number of constables, amply sufficient to repel all attempts against it; this was the popular opinion; seeing that the legal authority had no wish, or was indisposed to protect our fellow-citizens, we naturally joined together to relieve them, and I felt it my duty to do so; there were Bolton, Farmer, Newcombe and Captain Webb with the Portage party; there was not much commanding by any one; we were about seventy-five or perhaps up to a hundred; we came from Headingly to Boyd's place, at Redwood; we were directed to march to Kildonan school-house; we did so; first one I met was Mr. Fletcher; I think by his influence we got possession of the school-house; I was keeping prisoners, John McKinny one, and I was told a man named Parisien was another; these prisoners were taken by us, were brought in after we reached the school-house; Major Bolton brought McKinny; I don't know who brought Parisien; McKinny was released; the other man got wounded; I heard they were spies; I kept them there one night and the better part of the day; after Parisien got wounded, McKinny was released; after Sutherland and Parisien got wounded, I was afraid for McKinny's life, from the infuriated people, and applied to have him put in a safe place; I believe he was sent up to Winnipeg to his home; after Parisien running away, he was brought back wounded; some of the officers were staying at Mr. Black's; we swore on the Bible at the Portage to do our best to release the prisoners and then go home; we were discontented with our leaders at Kildonan on account of our want of provisions, being left to shift for ourselves the best way we could; Major Bolton and Dr. Schultz, Mr. Powers, Farmer, and others appeared to be the leading spirits at Kildonan—also Prince of the Indian Settlement; there were a mixture of half-breeds and Indians, cannot say how many; there were some, not wild, but civilized Indians from the settlement below the Lower Fort; our object in going from the Portage to Kildonan was to get more force; we remained at Kildonan about twenty-four hours; I do not know what took place among the leaders; we came to disperse, because we had word the prisoners were released; Riel had given permission to return peacefully to our homes; our party was partly armed; if arms were distributed there, I did not know, as I was engaged inside; I saw one cannon—I should think about eight or nine-pounded; our party appeared to have plenty of ammunition; our arms were common domestic guns, with the exception of a few repeating Henry rifles; I was walking; my gun was in a sleigh ahead of us; I had on me my revolver; the party that met us was led by O'Donohue and the Adjutant-General; I was ahead of the sleighs walking; O'Donohue and the Adjutant-General were about hundred yards ahead of the others, I should think; I saw parties talking, *i. e.* Adjutant-General Lepine talking to Poché; Poché shook hands with Lepine; Lepine had no gun in his hand, to my knowledge; O'Donohue came round ahead of our party; Lepine stopped; I saw O'Donohue stop; did not see him talking to any one; he stopped when I drew up my gun to shoot him, and he came to a full stop; a voice from behind told me not to shoot; my gun was loaded; it was a double-barrelled gun; he was in a short distance of me, fully within reach; I did not see any arms on O'Donohue; after I had lowered my gun, he kept circling around; I heard Poché and Lepine talking, but could not understand them; they conversed two or three minutes; this was about the middle of February;

when I saw the imitation of a coffin, it appeared to come in the east gate, carried in the hands of two men; it was known by us then that Scott was to be shot; the hall in which the guards used to remain was a pretty good-sized one, with a large stove in it; when I was taken back to my room, I did not see the prisoner in the hall; when I went back from the Court-yard, soon afterwards, the guard was doubled; I was informed that Mr. Young was with Scott; the door of my room was closed until Mr. Young came; we could see through the cracks until they were stopped up; it is not in my knowledge that Scott kicked one of the guards; I heard a scuffle, as I thought Scott trying to get out; Riel was present when this scuffle took place, and O'Donohue and Lepine; I was looking through the key-hole; it appeared as if the door was opened; heard a noise—a commotion—saw Scott come at the door; I heard that Scott had difficulties with the guards more than once, but never saw it; door was opened by one of the guards; Mr. Young said, "Good-bye, boys," and Scott bowed his head; knew Mr. Young before; was close to Mr. Young, could not be mistaken; did not see Lepine there; saw a number of the guards; do not recollect the faces of the men behind Mr. Young and Scott; saw a number of guns and arms there; did not see if the men *immediately* behind Mr. Young and Scott were armed; there were often persons went into the guard-room to talk with the guards, apparently friends; the night that Scott got into trouble, I was in a room adjoining his; I should say it was about the hour of nine; it was after dark; I don't think there were quite so many guards that night; the distance between the door of the room and Scott's door was probably as far as from the witness box to the railing, probably some feet less; no light in my room; light in the guard-room; don't know if lamp light or candle light; Mr. McKenny sent Scott to intercede for me, and I think it was in consequence of my kindness to McKenny; I was asked to sign my name to a book; they looked into Lepine's room to see him, and asked me to wait, so as we could come down together.

Girard sworn.—I have not that letter; I have made search for that letter, and have not it in my possession; (a letter to Mr. Decharme; from the Governor.) Upon this, witness proving having searched through his office for this letter unsuccessfully, he retired from the witness box.

Joseph Nolen sworn.—I am a native of this country; reside at Point de Chêne; I know the prisoner at the bar; know him from a little boy; the years 1869 and 1870 I remember, also the troubles in the country at that time; the trouble was between the people of the country and the people of McDougall, who were to come here; I think the Company was in possession of the Fort about that time, in fall of 1869 and spring of 1870; saw some other people in the Fort during the winter; cannot say up to what time the Company had possession of the Fort; I do not know what they were doing there; I do not know who was in authority; I did not notice; I saw some armed persons guarding the entrances to the Fort; I think some person was in command of them, but cannot say for sure, who; there was a general report that Riel commanded the whole thing, and that O'Donohue and Lepine were officers; I did not see Lepine giving any command; heard the others stating that they took commands from him; Lepine was called in the Fort, Adjutant-General; during that winter there were prisoners confined in the Fort; I heard there was a great many, but did not see them myself; I only saw two or three in the Fort on one occasion, and on another, a number as they were taken on the prairie; when I visited the Fort, I had no conversation with Lepine, or with Riel in the presence of Lepine; don't know Lepine's duty there; had conversations with Riel on different subjects; I saw Lepine most every time I went to the Fort; I remember the day that Scott was shot; I was present at the Fort that day; did not go inside the Fort; as I was coming to enter the Fort, I met some parties taking Scott out, and that is why I did not enter; I remained standing outside of the wall—next to the door; stopped at the door-sill; Scott remained

standing at the door, and I remained outside, with my hands behind, against the wall of the Fort; some time after I saw Mr. Lepine coming out and put down the white cloth that Scott had around his head; he went away with Scott along the wall; I only saw Lepine take Scott away; don't know what distance he went; saw Rev. Mr. Young speaking to Scott; Scott knelt down when Mr. Young spoke to him; Mr. Young spoke to him for a while, and after Mr. Young took him by the neck and was helping him, and bid him "Good-bye,"—so it appeared to me; from that spot he was taken to another place; I am not certain if Lepine took him or not; when he had reached there, he knelt down; then heard the noise of the clicking of the guns, as if cocking, and immediately afterwards heard the discharge of the guns and the cries of Scott; I looked to the spot and found that Scott had fallen down, and was turned on one side; as I was looking on a man came with a pistol; does not recollect if the man that had the pistol fired it or not; saw no smoke and heard no report; was very much excited at the time; immediately afterwards a box was brought there; do not know who was carrying it; Riel cried out that every body had to go into the Fort; the doors had to be closed, and witness went away. (In reply to His Lordship.) Scott fell on his left side; I had seen the guns in the hands of five or six, previous to the cocking of the guns; they were standing together when they fired; knew four or five: Auguste Parisien, François Thibault, Marcel Comtois, Pierre Champagne, and another named Guilmette; this is all I know; I did not see them fire; these men whose guns I heard "click" might have been about twenty or thirty yards from Scott, but I could not tell; when Scott left the cell, could not say which direction he went; when he knelt down it was along the wall.

To Mr. Cornish—Along the wall towards the town; I knew Scott before; when first saw Scott, at the gate; cannot remember the position of handkerchief; his face was uncovered; saw the pistol pointed at Scott; think it was towards his head; saw Riel; do not remember seeing O'Donohue; do not know what became of Scott's body; never had any conversation with Lepine or Riel about the body; was told by Joe, his brother, and he had heard it from another person, that the body was thrown into the river; has heard it say by a great many other persons, but cannot remember who.

Cross-examined by Mr. Royal.—Saw employees of the Hudson's Bay Company going round about the Fort frequently during its occupation; do not know if the occupation of the Fort prevented the Company from getting goods from the Fort; to the best of my knowledge, it was nine or ten o'clock when I came up to the Fort; the first person at that time that I saw was Mr. Bannatyne; remained in Bannatyne's quite a while, from there went straight up to the Fort; went up on foot and alone; saw some people going in the direction of the Fort; when I came to the Fort knew what was to be done; Mr. Bannatyne had told me; when I reached the small gate of the Fort there was a large crowd assembled; recollect noticing two or three persons that I knew—G. Richot, André Nault, and Daniel McDougall—of the latter I am not sure, think I saw him; they were mixed up with the crowd, going to and fro; was standing at the right side of the door as you go in, leaning on the outside of the wall close to the gate, with hands behind my back; when Lepine took hold of Scott's arm, Scott was standing at the door, within two feet of witness; I may be mistaken; to the best of my knowledge, Lepine took hold of Scott with his right hand and pulled down the cloth with his left; Scott was in a line where witness was standing, and Lepine a little in front; saw Lepine leading away Scott; did not see Mr. Young until they came to the first place where Scott knelt; when he saw Mr. Young, he was approaching Scott, and Scott was standing; the parties who carried guns were about thirty feet from me; when I first noticed them, they were outside the wall and I was nearly facing them. (The exact position of the witness and the firing party was here explained to the Jury, by means of a plan of the Fort.) From the position I occupied, I saw the faces of the firing party;

it was not Lepine who had the pistol ; do not know who gave the man the pistol ; all I know I saw him with it.

OCTOBER 17th.

His Lordship upon taking his seat upon the bench, remarked that it had been suggested to him that the Jury would perhaps like to adjourn at four o'clock until Monday morning, for the purpose of obtaining a little exercise, and left it for them to decide upon during the recess.

Joseph Nolen continued his deposition. — I advanced to about three steps from Scott's body when it fell ; only thing I saw were some marks on the upper part of his coat near the shoulder ; saw no blood ; I think it was on the left shoulder ; the box was inside the small gate of the Fort ; had seen it previous to going out ; this box was brought out to where the body was through the small gate ; saw some one carrying the box, two or three, but do not know who they were ; believe that the corpse was put into the box and taken inside of the Fort ; cannot swear to seeing the body put into the box ; I cannot say whether I went into the Fort before the box was taken inside ; did not see the box after it went inside the gate ; heard from Modeste Lajemonière that the body was taken into the bastion ; saw this man in the Fort ; do not know if he was a soldier or was employed, or had an office or not ; never saw him carrying a gun in the Fort ; do not know where the body went and the box finally ; I was never told by any one ; never heard a rumour as to what became of the body ; I supposed that the body was in the box ; do not know what finally became of the body ; never heard the subject talked over among Riel's soldiers ; never said to any one that I had heard of a report as to what became of the body ; know Damase Harrison ; he is a half-breed ; can say of him as said of Lajemonière ; he was after in the Fort, in 1869 and 1870 ; believe that he lived at Point Lachine, I am not sure ; never saw him doing anything particularly at the time ; do not know if he was there when Scott was shot ; never saw Harrison on guard ; I was in the habit of giving passes to the prisoners to get out of the Fort ; sometimes ordered by Riel, and sometimes by Lepine to give these passes. (Pass handed to witness, who proved having given it.) Pass then read. It was as follows:—

“ FORT GARRY, March 16th, 1870.

“ Let bearers, Mr. Farmer, and Andrew Sissons, pass, if you please.

“ AMBROISE LEPINE,

“ Adjutant-General.

“ J. NOLEN,

“ Secretary.”

(This pass was in French, and was read to the Jury and translated.)

I do not recollect if all the passes were given in the name of the Adjutant-General or not.

Cross-examined by Mr. Chapleau.—Heard from man Denötte that Scott was not dead when he was put into the bastion ; there was quite a crowd when Scott was shot ; everything was quiet and peaceable, and should have heard the report of the guns ; was near enough to hear ; if after the volley was fired and the body turned over, should have seen it ; the body was not turned ; knew the firing party for a long time, except one in particular, Gillette, who I had only known for a short time ; they appeared to be excited by liquor, with the exception of Gillette ; was standing about four paces from the gate ; saw Scott coming out ; Rev. Mr. Young was with him ; did not see Riel or O'Donohue coming out then ; Lepine was near there ; Duncan Nolen was there on the other side of the road ; witness on this side ; during the Court Martial did not hear the prisoner Ambroise Lepine saying one word against Scott, and he had nothing to do

with the proceedings of the Court; after the vote had been taken on the execution of Scott, by the words the prisoner Lepine then used and his demeanour during the whole trial, I understood him to be against the death of Scott, and his words were, "The majority being for his death, he will have to die; " prisoner did not order witness to write the sentence, nor did not write it himself; Riel announced what the sentence was, where and when to be executed; all the prisoner said during the whole trial, at its conclusion and after the vote being taken, was the word as described; Scott had not then been brought in; Riel sent for Scott, and when he came, the prisoner did not say a word; the only man who spoke was Riel; Edmund Turner and Joseph Delorme were witnesses; Joseph Delorme was also one of the Council; do not know what position Turner held; believe Riel was first accuser and also witness; Riel made the charges against Scott verbally; Riel was sworn to prove his charge by me; Riel was the only accuser; Scott was accused of having taken an oath not to take up arms against the Provisional Government, and afterwards doing so—also of having struck one of the guards and Riel himself; Turner was there during the trial, and gave evidence before Scott was brought in; he was sent by Riel for Scott, and was present during the time Scott was there, and heard Riel explain and translate to him his charges and the sentence of the Court; I think Turner was an Irishman; I don't think Scott asked to examine the witnesses himself; I think he said something, but do not know what he said; Riel was speaking English; Turner was speaking English; the charge of striking Riel and the guard referred to the scuffle that took place in the guard-room.

To Mr. Cornish.—I first heard that the Court Martial was to take place about three o'clock in the afternoon; I heard this from Riel himself.

To His Lordship.—I am not sure that evidence was produced as to Scott taking the oath not to take up arms against the Provisional Government; I do not know if any book was produced; the "taking up arms" referred to his coming down with the Portage party.

To Mr. Chapleau.—It was stated he had taken an oath, but do not know if it was proved.

To His Lordship.—When persons were liberated and took an oath, they signed their name to a book, but those that escaped did not.

John Bruce sworn.—Reside at St. Boniface; am what is styled a French half-breed; have lived in this country for thirty-seven years; I know the prisoner, and know Louis Riel, and all the leaders of the troubles of 1869 and 1870; remember the occasion of the Fort being taken; it was about the 2nd or 3rd of November that the Fort was taken by the insurgents; they retained possession of it, I believe, until the month of July, 1870, when the troops under Colonel Wolsley came; some time after the Fort was taken by the insurgents, some prisoners were taken; the first taken were the prisoners at Dr. Schultz's place, on the 7th December; some time after that, the Portage prisoners were taken; the Portage party was taken on the 17th February; the prisoners were kept in Fort Garry—it was said under guard of armed men; Mr. Riel was President at that time; and there were some Captains; the prisoner was the Adjutant-General; O'Donohue, I believe, was looked upon as a Captain at that time; at the time that the prisoners were taken, I heard afterwards that O'Donohue had been President; was not present at the taking of the Fort; went to Lepine's room about fifteen or twenty days previous to the 4th March, and asked Lepine when he intended to liberate the prisoners; he answered, "We will release the prisoners before long, but we will put a couple to death before releasing them;" this was all that occurred at the moment; I made no reply to Lepine; previously to this, he had said the same thing, and he said it pleasantly in the course of conversation; at the taking of prisoners at Dr. Schultz's place, I had put the same question to Lepine as to whether the prisoners would be released; Lepine made the same answer; Lepine did not

explain why a couple were to be put to death ; never saw Scott previous to the 4th of March ; was at the Fort on that day ; on the 4th March, in the evening, I was at my own house, and some one told me that Scott was to be executed ; did not believe it, but determined to come and see, and arrived at Fort Garry about eleven o'clock ; entered through the main gate, the gate that faces the Assiniboine River ; there were two sentries at the gate ; do not remember the names of them ; was then told by the two sentries that Scott was to be executed ; then went to the Fort, and went to the house facing the main entrance of the Fort ; Riel lived at the house ; it was used as Riel's quarters ; walked a piece towards the small gate that opened towards the Hudson's Bay Company's stores ; as I was proceeding towards the small gate, saw a box on a pile of cordwood ; as I was proceeding in that direction, met Mr. Lepine ; asked Lepine what he wanted to do with that box ; he said it was to put poor Scott in ; Lepine went one way, and I retraced my steps and came to see Riel ; as I was turning round to go, I went on two or three paces and saw a man coming from the direction of the office or building said to be occupied by the prisoners ; this man was proceeding towards the small gate of the Fort ; he had leather leggings on and a white cloth round his cap on his head ; was excited at this sight ; did not recognize any other person that was there except Joseph Delorme, as I was surprised and excited ; Joseph Delorme was walking four or five paces ahead of the person that I saw first ; these parties were going in the direction of the small gate ; do not know if they went out, as my back was turned to the gate ; entered into the large house and went up the steps to see Riel ; he was not in his room, so went back towards the small gate ; as I arrived at about the place where I had seen the man for the first time, I heard a report of fire-arms ; as soon as I heard this, I hastened my steps towards the small door of the Fort, and stepped about twelve paces outside of the small gate ; then saw the same person that I saw before, fallen down on his side ; saw one Guilmette (who I think is a Canadian, who spoke French) having a revolver in his hand, approaching where that person had fallen, and was lying a little forward and resting on his right elbow, his hands being tied behind him ; Guilmette shot, as I thought, at his head ; heard the report of the revolver ; the muzzle of the pistol was near, but cannot say how near ; it was very near ; after the shot the man fell more down on his back ; then heard Riel, who was at the entrance to the small gate, call out to come and close the doors ; came in with the others through the small gate, and went out through the front gate, and went home ; did not see Lepine or O Donohue outside ; there was a crowd of people, and do not recollect seeing them ; did not see the box outside, to my recollection ; went home then ; was very much excited at what I saw ; saw Lepine sometimes afterwards in the Fort ; never asked why Scott was executed ; never spoke upon the subject ; do not know what became of the body ; was told by Elzear Goulet that the body had been thrown into the river, about a quarter of a mile below, at a place called German Creek, and said that there were three persons that threw it in ; did not tell who the three persons were, nor any one of them ; said that the body was conveyed in a red cutter belonging to Dr. Schultz ; had seen Dr. Schultz's cutter ; do not know if Dr. Schultz's cutter had been taken by the people at the Fort ; was never informed by anybody else but Goulet ; after the capture of the party at Dr. Schultz's, had seen the cutter in the Fort ; was told that the body had been sunk ; that it had been sunk with heavy chains ; Goulet told me this, and that a hole had been cut in the ice ; told me nothing more about it ; Goulet told me this about a week after the execution ; Goulet remained in the Fort after the execution, and was in the Fort when he told me this ; they always called Goulet by the name of Captain ; it was reported that Goulet was drowned ; he did not tell me whether the body was put in the river in the daytime or night.

To His Lordship.—Was told that the man with the white handkerchief round his head was Scott ; did not know Scott.

Cross-examined by Mr. Royal.—The prisoners at Dr. Schultz's house were sober on the 7th December; at that time I was at my home; had visited the Fort several days previous, but cannot say if I had been in the Fort that day; was there the day following; it was on the 6th November that the message was sent to the English party to send twelve Delegates of the French party at the Court House to come to some understanding for the general good; it was signed, "By order, Louis Riel, Secretary;" the meeting took place at the Court House, in a building near Fort Garry, known as the old prison; at that time the public meetings in Red River did not take place in this building; there had been one meeting before; am not aware if the Government of Assiniboia objected to that meeting or not; the building was the property of the Government of Assiniboia; could not give the names of the Delegates who attended; one was Mr. Kenny, but I have forgotten the names; was present at that meeting; cannot state what was the result of the meeting without looking in my scrap-book; was President of the meeting; Louis Riel, Secretary; the result of the meeting was proffering to Governor McDougall certain Bill of Rights to use if Governor McDougall would accede to them; the English party said that Governor McDougall could not grant what was asked, and the English objected to the Delegates going.

To His Lordship.—The object was to stop Governor McDougall until the rights of the people were ensured to them by the Government at Ottawa; the intention of the meeting was to work for the whole country at large, as there were twelve English and twelve French Delegates; if this had been settled before the movement, everything would have been right.

The Sheriff being asked by His Lordship the decision of the Jury with reference to adjourning, and ascertaining that it was their desire to do so, His Lordship instructed the crier to close the Court, and proceedings were adjourned till Monday morning.

MONDAY, October 19th.

John Bruce, cross-examined by Mr. Royal, continued. — Perfectly well acquainted with the prisoner at the bar; was in the habit of seeing him before and after the 4th March; when witness spoke about the liberation of the prisoners at the Fort, did not go for that special purpose; this happened about fifteen days previous to the 4th March; when prisoner stated that the prisoners had to be liberated, but that one or two had to be executed, do not think he was serious at that time; had told the same thing on another occasion, previous to this, and at the time did not think he was serious; always found the prisoner to be a good-tempered and a good-hearted man; think it was about noon when arrived at the Fort on the 4th March; the persons who were accompanying Scott from the Hudson's Bay Office towards the gate I did not recognize, only Joseph Delorme specially, as he was a little forward of the others; know that there were two other persons with Scott, one on each side of him; am well acquainted with the Fort; know the relative position of the buildings inside it; stood at corner of Dr. Cowan's house, and Delorme and the prisoner Scott were coming out between Dr. Cowan's and Mr. McTavish's house; was standing at the south-east corner, next to the Hudson's Bay store, when I saw Delorme and the man with something white upon his head.

After some enquiry from His Lordship, witness stated that he believed the person with the white handkerchief round his head was Scott.

Cross-examination continued.—The time that elapsed was a little over five minutes from the time I first saw Scott until the next; Riel's office was on the first floor on the right hand side as you went in the hall; it is possible to do this distance in two minutes; took more because tarried in the building, visiting the different offices; when I returned to the shop, heard the volley, and then walked quickly; there are twenty paces to the spot were heard the volley to

the small gate, and stopped ten paces outside the small gate; there was a crowd outside the door, so walked ten paces to clear the crowd and have a better sight of what was going on; do not know if inclined to the right or left or walk straight forward through the crowd; stood near the road; there were already some near Scott; the crowd was very near; do not know if there was any noise among the crowd; did not pay any attention; did not recognize any of those that were near the body except one, Guilmette; noticed Guilmette more than any one else, because he had a revolver in his hand, and because saw him fire it; know the Rev. Mr. Young; did not see him at that spot then; witness saw Guilmette sideways; do not recollect seeing the prisoner Lepine outside the Fort; attention was drawn to the person being shot; when I saw Delorme and Scott and the two persons going out of the gate, Lepine was not there; did not see Rev. Mr. Young at this time; was the first President of the Provisional Government.

His Lordship here stated that it became a matter of importance to ascertain the basis of this Provisional Government.

In reply to His Lordship, the witness stated that Riel acted as Secretary at the first meeting; do not know by whose authority; Dr. Schultz's house was taken by the prisoner; gave no authority, as President, for this to be done.

Cross-examination continued. — Used to attend occasionally the sittings of the Provisional Government after the month of November; in the month of November, I was President; afterwards held office as Commissioner of Public Works; Riel was then President; it was during the months of November and December after the taking of Schultz's house—I resigned not long after; resignation was made in writing; at the meeting, was asked to sit at the head of the table, and in taking his seat, tendered resignation; it was written down by the Committee and was accepted by them; the majority of the members of the Committee were appointed by Riel; they were composed of French half-breeds only; O'Donohue used to attend now and then; witness saw Lepine there, but cannot say if he was a member of the Committee; he was invited to take a seat when he used to come in sometimes.

In reply to His Lordship's query that the President ought to know if Lepine was one of the Committee, the witness stated that he was President in name only, but had not the powers of one; a great many things took place that he was not aware of.

His Lordship.—Who had the power and authority?

Witness.—Mr. Riel had.

His Lordship.—Do you think that that thing you have described should be called a Provisional Government?

Witness.—I do not.

To Mr. Cornish.—I resigned the Presidency of the Government; was only styled President as stated before; resigned because a great many things were done without my knowledge; the taking of the Fort was against my will; being at home when it was taken, also the taking of Dr. Schultz's house; was not a consenting party to the taking of the Government stores; was not present at the taking of Schultz's house; saw two cannon pointing at Dr. Schultz's house; think they were taken out of the Fort; they were outside the Fort; saw no person placing or in charge of the cannon; knew that it was going on; knows of no reason why the Provisional Government should have captured Dr. Schultz's house; have in possession, from McDougall, a letter dated 13th December; this was after the taking of Dr. Schultz's house; I think at this time McDougall was in Pembina; I also withdrew from my office as President, as I thought that they were going too far and doing things that I did not approve of; have already stated the things; my name was attached to things that I did not approve; first opposition was to the document that was sent to McDougall to tell him to stop at Pembina; saw the document long after, and my name attached to it without

consent; his name was attached to the proclamation of the 8th December without witness' knowledge.

To His Lordship.—Do not know who prepared these documents; was not present when the Bill of Rights was drawn up; have seen the document, but have no recollection of its contents; do not know what the object or intention of it was; (the French copy was then shown to the witness); cannot say who prepared the documents for the Provisional Government; have seen Stutzman in the town; Stutzman was doing nothing; do not know whether he framed the documents or not, but saw him in company with Riel; the *New Nation* was the paper of the Government; never said that anyone had cut Scott's throat with a knife; said he had finished him; was stating facts; had it from Goulet, the person who was drowned; had written a letter to that effect; Goulet said that the body was first put into the coffin and taken into the bastion, and about twelve o'clock it was found out that Scott was not dead; there were three in the bastion when this was found out, and one of them shot him in the head with a pistol; Goulet did not name the persons; witness asked Goulet, but Goulet would not say; Goulet was the only one who informed me of this; never spoke to any other person about the matter; have written a letter giving these facts substantially the same; Goulet did not, to my recollection, tell witness that Scott had said, "For God's sake kill me, or let me out of this"; have copies of letters in French that I have written.

His Lordship here informed the witness that he would have to go home and fetch the copies of all such letters, and that he should consider it contempt of Court if he did not produce them. (The letters referred to were copies of letters written by witness to newspapers.)

Francis Charette was then called, but not being about, His Lordship informed the Court that they would take recess a little earlier than usual.

John Bruce recalled.

His Lordship.—Did you find the letters?

Witness.—Nothing is complete; my papers have been knocked about; I have not the fourth letter complete.

His Lordship here read the fourth letter written by witness relating to Scott's being placed in the bastion, and to the words being heard, "For God's sake take me out of here or kill me," and a person finishing Scott with a pistol according to some, and with a knife according to others.

Mr. Chapleau here said that he thought that this evidence of what the witness had written or had not written, was irregular.

His Lordship.—But we must have it for the Jury to judge of the witness' credibility.

Mr. Chapleau.—I think they can already judge of that.

His Lordship (to witness).—Have you those words in the French?

Witness.—I have not; there are some words in the English version that I have never written in French; it was translated by a Canadian into English, and I was afterwards told that a great many expressions were put into the English version that did not appear in the French one; the expression, "My God, my God, take me out of this, or kill me," or "son of a bitch," I never heard in the letter in French that I wrote, but Goulet told me of the expression as already deposed.

To Mr. Chapleau.—There is something in the paper that I never wrote or told any person to write; never saw or heard anything that is written there; only know what Goulet told me; at that time had nothing to do with the Provisional Government, and do not know what capacity Goulet was in when he spoke to me of the matter, or whether he held any position at all at that time; have no personal knowledge of Goulet holding any position at the Fort; he was one of Riel's partizans, and with him in the Fort.

Mr. Chapleau here objected to any evidence being taken of what Goulet said that was not said in the presence of the prisoner.

His Lordship thought that the evidence should be received, but took a note of Mr. Chapleau's objection.

Francis Charette sworn.—Have lived at Ste. Agathe for two years past; previously lived at St. Robert; remember 1869 and 1870; do not know who had possession of the Fort; believe it was French half-breeds; know it was Riel who commanded; Lepine was also there; do not know Lepine's occupation; never heard him called any name by the men; never heard him called Adjutant-General, but have seen it in the papers, the *New Nation* paper; the *New Nation* was printed in Winnipeg; do not know by whose authority; was started in 1870; do not know when it ceased to be published; the last copy saw printed was about the month of April; can't say whether it was a weekly paper or not; remember the 4th March, 1870; was in the Fort that morning; had been in the Fort for preceding six or seven days; was doing nothing in the Fort; was told that if he did not stay in the Fort, he would be taken prisoner; went there first on a visit; was told this by a Captain named Joseph Delorme, who was Captain of the men; there were other Captains there; François Poitras, Michel Dumas, jr., were Captains; can't say if Nault or Goulet were Captains; knew them, they were in the Fort; saw him among the others in the Fort; François Poitras was my Captain; sometimes mounted guard; had nothing else to do; mounted on guard at the Fort gate; do not know if there was any guard on at north gate; always mounted guard on the south gate; saw guards upon the small gate facing the rising sun; did not visit the gates; knew there were prisoners confined in the Fort, but never mounted guard over them; was never in the guard-room; saw Lepine only two or three times; saw him in the Fort and in his room; used to see him through the window of his room; the room in which I saw Lepine was about two chains east of the place where the prisoners were confined; Riel was in Dr. Cowan's building; do not remember seeing Scott in the forenoon of the 4th March; saw him about twelve o'clock; Scott was coming out of the Fort; Scott's coat was of a chocolate color; he had a white cloth on his head, his hands were tied behind his back; when I saw him coming out of the gate, there were a great number of persons around him; at this time witness was on the stone wall of the Fort, upon the top; was not on guard; when he heard that a man of the name of Scott was to be shot, went there to see; can't say if any person was with Scott, thought that he was accompanied by some one; the second time saw Scott; he was standing about thirty or forty paces from the wall towards the river side; saw Scott talking with a man; heard some guns fired and saw him falling; was on the wall all the time; came down from the wall and went to see the body, and saw the wounds from the guns; one was in his breast, and one in the shoulder; there was blood proceeding from the wounds in the breast, but not from the one in the shoulder; did not notice the back part of the body; was about two feet from the body at the time; did not see anything else at that time; saw a pistol in a man's hand; thinks the man's name was Guilmette; he took the pistol and put it into Scott's ear and fired it there; the pistol did not go off upon the first attempt to fire it; it snapped; saw Lepine, and he commanded us to go into the Fort; Lepine said, "Go in, you have no business here;" Lepine was about two paces from me when he said this; witness left and went into the Fort; at this time saw a pistol in Lepine's coat, in the inside breast-pocket; saw Lepine put his hand on the pistol; Lepine spoke to Guilmette when he put his hand on the pistol, and he heard the words uttered, "Finish him," but do not know if Lepine said this; heard the words, "Why is that pistol not in order?"—thinks this was Lepine said this *à ven*, and thinks so now; he heard the words, "There is one in order"; cannot say if it was the same voice or the same person that uttered these two things; when this was said, I did not make no difference; thought it was the same voice; it was at the time I saw Lepine put his hand upon the pistol, that I heard the words about the pistol not going off; after the pistol had been fired, Lepine told me to go to the Fort; Lepine's words were these, "Go into the Fort, you have no

business here ; go away from here ;" witness left and went into the Fort ; Lepine put his hand on me, and touched me on the shoulder, and told me to go into the Fort ; Lepine commanded me loudly, but did not make any threat ; do not think he spoke in excitement or anger ; witness received a kick from somebody that was going in, but do not know who kicked me ; no one spoke of kicking before I went away ; the kick was close to the posterior ; heard no other person giving orders except as I have mentioned ; saw a box before, but did not see it afterwards ; saw it inside the Fort before the guns were fired, and before I went outside the Fort ; did not see it when returned inside of the Fort ; saw the box the night when they put it in the grave ; do not think it was the same night ; it was the second night after that saw it put in the grave ; have forgotten the incident completely ; can't say who put it in the grave ; these are the only times he saw the box ; when ordered into the Fort, went to the same place as had been staying before ; went with Captain Poitras to the lower part of Dr. Cowan's house ; was not on duty that day ; went into and out of the house ; heard Scott talk in the bastion and thought they had put him there ; did not see Scott ; never spoke to Scott before ; heard " O Lord, O Lord ;" do not know what became of Scott's body ; first saw the box along side of Dr. Cowan's house ; when I heard the words, " O Lord, O Lord," did not see Scott ; Joseph Delorme heard the words and told witness ; Delorme was at the door of the bastion, and witness was on one side ; believe Delorme was on guard at the door ; think that Joseph Delorme was Captain ; witness asked Delorme who was talking inside the bastion, and Delorme answered it was Scott ; nobody ever told me where the body was finally placed ; thought all the time that the body was in the box when it was put into the ground.

To His Lordship.—There might have been some inside the bastion ; heard these expressions only once ; then went away ; it was the night of the day following the day the box was put into the ground.

To Mr. Cornish.—Was on guard at the south gate when the box was put into the ground ; it was put in between the south gate and Dr. Cowan's house ; there were several persons engaged in putting in into the ground ; there were only a few of the men who carried guns present, in comparison to the number in the Fort ; people were going in and out of the Fort ; do not know who went in and out of the Fort.

Cross-examined by Mr. Chapleau.—After I was on the wall, came down and went through the small gate and came out ; after I had passed through the small gate, saw Scott lying on his side ; his chest and his face were partly visible ; after the pistol was fired, turned back ; saw the body stretch out ; at the same moment the pistol was fired the second time ; Lepine had his hand on his pistol in his breast coat-pocket, and I am sure that the pistol Lepine had in his pocket was not the one fired at Scott's head ; Guilmette was the man who had the pistol in his hand, and it was the same pistol that snapped ; saw Guilmette after he came back to the Fort, and believe he was drunk ; my impression is, as have already stated, that it was Lepine's voice I heard ; when Scott came through the gate where I saw him first, Lepine was not with him ; if he had been, would have seen him ; after Scott had passed, saw the six soldiers pass afterwards ; did not hear any command ; saw a man holding something white in his hand ; the man who held this lifted it up three times ; the distance I was from this man was about thirty feet ; am very sure the man who held this was not the prisoner at the bar—he was a middle-sized man ; remember the man ; saw Scott only in one position (kneeling) ; saw Rev. Mr. Young with Scott after they came out of the Fort ; did not see him inside of the Fort ; lost sight of Scott when witness turned and looked into the yard and saw the six men ; did not see Scott until afterwards as described ; heard the volley fired, and then got down in the inside of the yard and went out of the small gate ; saw Scott as described ; saw Mr. Young at some distance, seven or eight paces, standing and not speaking to anyone ; he was

alone, looking as if he was crying; was a couple of paces from the bastion when heard what I have stated; heard the words distinctly.

Frank Geo. Beecher sworn.—Am Private Secretary to Lieut.-Governor Morris; witness produced a document that he had been subpoenaed to produce; could prove handwriting of endorsement, the date on which it had been received, 10th January, 1873; (the document was handed to the Clerk to be proved, and His Lordship instructed Mr. Beecher that it would be handed back to him when it had been examined.)

Pierre Gladu sworn.—Reside at St. Vital; lived there twenty-two years; know Lepine since I have been in the country; I am a half-breed Canadian; in the month of February, was at Fort Garry; was there like all the others; was taken there with a sleigh and stayed; was taken there as a prisoner by the President, Mr. Riel; had come to Narcisse Marion's place, on the other side Red River, in the Parish of St. Boniface, and was there taken prisoner by Riel; believe it was in February; was in the Fort until spring; was pressed into the service when taken, but got free afterwards; when in the Fort became a soldier, and when ordered to act as a soldier, did so; was in the habit of mounting guard, to guard the gates; never guarded the prisoners; knew there were some prisoners confined in the Fort; heard of Scott being confined there; first time saw Scott was when they were putting irons on his hands; could not tell who put the irons on; it was done by Riel's orders; was in a room and looked through the door into another room where Scott was, and saw this; it was a room where the prisoners were; saw the irons put on Scott's hands; this was done in the evening; do not know what they did after the irons were put on; went away; did not see Scott again until saw him shot; saw Scott as he was coming out of the Fort; I was outside of the Fort, on the left hand side of the door; did not see Scott until he was coming out of the gate, there was such a crowd; do not know who was with Scott; after Scott had come out, some person led him away; it struck witness as if it had been Baptiste Lepine; led Scott about thirty paces to the north; then Baptiste Lepine got Scott to kneel down; Rev. Mr. Young was there at once; Mr. Young knelt down for a few moments with Scott; seeing that the man was in a direction with the crowd, Baptiste Lepine took him to another spot about ten paces from the first; Scott knelt at the second place; it appeared to witness that it was André Nault with the white handkerchief; after the handkerchief had been raised up by André Nault, the guns were fired; saw the man Scott fall down and heard him cry out a sort of a cry like a man in distress; witness went forward; as he approached the body, saw a man of the firing party sitting down sideways upon the body of Scott; the man's name was François Guilmette, I think they called him; then Guilmette asked for an arm to finish him, saying he was not dead; a weapon was given to Guilmette by some one (do not know who), and he put it to his head and fired; Guilmette appeared to be a little in liquor, and took some little time; after the shot was fired, Scott gave a sort of jerk as if he wanted to stretch; I stepped forward to see, and saw some blood running from Scott's face, and witness went up to put down the cloth over his face, and heard the voice of Riel saying, "Let nobody come near;" I was about three paces from the body when I heard Riel say this, so I came back to the gate of the Fort.

His Lordship here asked the Jury if they thought they could go on with an evening sitting, and upon the Foreman answering in the affirmative, instructed the Crier to adjourn the Court until 7.30 p.m.

TUESDAY, October 20.

His Lordship took his seat upon the Bench at 9.30 precisely.

His Lordship then instructed Mr. Chapleau to read to the Jury, in French, the letter of the 3rd of January, 1873, which was addressed to Lieutenant-Governor

Morris by the prisoner and Riel, professing to give the reasons of the rebellion ; which Mr. Chapleau having read,

Baptiste Charette was called and sworn.—Lives in parish of St. Norbert ; lived there in 1870 ; remember the 4th of March, 1870 ; was at the Fort ; knew there were prisoners at the time in the Fort ; knew a prisoner by the name of Thomas Scott ; did not see Scott on the 4th of March ; did not remark at the time well, but do not recollect seeing him ; saw a man led out to be shot that day ; believe that man was Scott ; saw Scott as he was coming out of the gate ; can't say how he was dressed ; appeared as if he had something white on his head ; his hands were behind him ; did not pay any attention if they were tied or not ; was just inside of the gate ; went out after Scott went out ; did not notice who was with Scott ; did not notice if any one led Scott or not ; when I saw Scott outside of the gate, Mr. Young was with Scott ; before Scott went out André Nault was with Scott, and also a man named Joseph Delorme ; did not recognize any others ; after I went out, saw Rev. Mr. Young talking to Scott ; they were about thirty-six feet from the gate ; they were standing, and Mr. Young was talking to Scott ; did not see Scott kneel ; it was near the wall and nearly on the track ; did not see Scott and Mr. Young move from this spot ; saw Scott shot on that day ; did not see him shot in the same place as he was standing with Mr. Young ; he was shot opposite the small gate, about forty feet from where I saw him first ; the man Scott was on his knees, and then they fired ; six men fired ; the six men were about forty feet from Scott ; the men's names were Pierre Champagne, Marcel Roy, Alexander Parisien, François Guilmette ; do not recollect the others, they were Canadians ; saw a person named André Nault holding something white in his hand, and in view of the firing party, and then the guns were fired ; he raised the white thing up with his hands ; next saw the man called Scott fall ; went up to him ; saw the marks where he was shot ; the marks were in the breast, and on the shoulder, and a third one between the two ; the body was lying on its side ; saw blood coming out of his wound and out of the side of his nose ; it was the wound on the breast that seemed to bleed ; did not look behind Scott's body ; saw the man Guilmette take a pistol and fire it ; shot Scott in the ear ; the body then moved ; did not see from whom Guilmette got the pistol ; do not know if the pistol snapped ; know that it went off ; heard nobody speak about a pistol ; know that Guilmette spoke, but paid no attention to what he said ; saw the body put in the box ; cannot say who put it in ; the box was made of plain rough boards ; did not see the box carried there ; heard somebody hammering, but do not know if it was nailed down ; the box was closed up with a board ; they then took the box inside the gate ; do not know who put the body in the box, or who carried it into the Fort ; did not hear any orders given for this to be done ; was standing about thirty feet from the body ; they took the body up and put it in the box, like lifting up a person in a sleep ; when the box was carried into the Fort, went into the Fort behind the box ; they that were carrying the box took to the left, and witness took to the right ; the left would be towards the bastion ; know there was a hole dug near the Hudson Bay Company's store ; it was said to be dug to put the body in ; did not see the box put in the hole.

To His Lordship.—Went to the Fort ; was asked to stay, and did stay ; nobody sent word for me to come to the Fort ; went there, and friends of mine there told me to stay ; sometimes mounted guard ; remained in the Fort fifteen days ; had leave from Michel Dumas, my Captain, to leave the Fort, and I went.

To Mr. Cornish.—Saw Lepine sometimes but not often ; never paid any attention to Lepine being called Adjutant-General ; never heard him called that ; people outside the Fort spoke of General, but never heard it spoken of inside.

To His Lordship.—Saw Scott walk from the small gate the thirty paces ; know Baptiste Lepine ; do not know if Baptiste Lepine walked with Scott ; if Baptiste Lepine had walked with him, do not know if I should have noticed him ; my attention was drawn towards the man with the white thing on his head.

Cross-examined by Mr. Royal.—It was a little before noon when I saw Scott; there were about thirty or forty persons inside the gate; was not armed; saw only the six men armed; would have noticed if any others were armed; did not see Lepine, O'Donohue, or Riel; saw Riel outside after going out; the thirty or forty men I speak of were between Dr. Cowan's and Mr. McTavish's house; did not notice if Rev. Mr. Young was walking with Scott, or if any one was with Scott, when he came to the gate and went out; my attention was wrapped up in looking at Scott; am sure my brother François was among the crowd; was not on top of the wall; it was Ambroise Lepine who held up the handkerchief; was on the edge of the crowd in a line with the others, no one intervening, and saw very well who it was held up the handkerchief; could not be mistaken; could see perfectly well; was about thirty feet from the man who held up the handkerchief where I was; there were twelve men stayed in the room; they were guards; never saw Lepine give orders to the guard, or act in any capacity.

To His Lordship.—Did not observe anything peculiar about Guilmette on that occasion, beyond he was drunk and not in his good senses; saw Guilmette drinking.

Mr. Cornish here stated that the case for the Crown would close here for the present.

Mr. Chapleau here requested His Lordship to grant a recess of two hours, so as to allow him to consult with his colleague, Mr. Royal, as to the defence endeavouring to render the evidence for defence as short as possible.

His Lordship acceded to the request, and the Court was adjourned two hours.

TUESDAY AFTERNOON.

Thomas Bunn sworn.—My occupation is that of a farmer; have lived in this country all my life, with the exception of occasional visits to Canada; I am an English half-breed; was Secretary of Council Assiniboia, and a member of the Council in 1869 and 1870; in the end of 1869, was not an officer in any other Government; was Secretary to the Provisional Government; do not know when my position as such ended; never tendered my resignation, and was never dismissed; have no records, and do not know if any were kept in this Government; have certain documents referring to elections of members in this Government; was appointed by a Committee appointed by Convention to be Secretary of the Provisional Government; I was present when I was appointed; I think the resolutions of the Convention were taken down in writing, but cannot swear it; it was early in 1870 that this took place—think 25th January; think it was an adjourned meeting; it was at a previous meeting, that was called a mass meeting, on the 29th of January, that Mr. Smith was present; this meeting, as far as I know, was called by Donald A. Smith to bring out the feeling of the people with respect to Governor McDougall; got a letter from the late Governor McTavish to attend this meeting; he wrote to me in a private way; (witness could not produce this letter, as he had not got it); attached no value to it at the time or now; the contents were subsequently asking in a friendly way to come to the meeting; said the meeting was called by Donald A. Smith, in his capacity as Conventioner of the Government of Canada; went to the meeting; Mr. Smith, McTavish and Bishop Machray were there; was a large meeting; was composed of a large majority of the English population; think Judge Black was Secretary; I was chairman; there were no minutes kept to my knowledge; think Mr. Bannatyne was Secretary the second day; there was a proposition made for the election of representatives from both the English and French to consider the advisability of electing representatives of both; the French reserved

the right of appointing their own, and there was a committee composed of five or six—myself, Bishop Machray, and others—to consult over the manner of appointing the English representatives; Bishop Machray was then a member of the Council Assiniboia; the English Committee subdivided their part into twelve electoral divisions; the first Bill of Rights was drafted at the first meeting on the 16th of November; delegates, both French and English, were chosen, twelve of each; delegates differing about the manner of securing these Bills of Rights, the delegation was not appointed; the twelve French and twelve English Delegates said that Governor McDougall could not grant the Bill of Rights, could only lay it before the authorities; in consequence of this no English deputation was appointed; about this time the proclamation of McDougall and Colonel Denis was issued, and the meeting of the delegates came to an end; have the Bill of Rights; it is the one that was passed; this Bill of Rights was supposed to be the basis of the conditions in which the people would enter into the Confederation with the Dominion of Canada; after the issuing of the proclamation, the meetings dissolved; there was a deal of confusion at the time, and the effect of the proclamation was to confuse people a little more than they were before; it had no effect at all on the Governor and Council of Assiniboia; practically the Council of Assiniboia were not acting at that time, in my opinion; it was on the 25th of January, 1870, I think, that the Provisional Government was formed.

To His Lordship.—There was no meeting appointed by the people to establish for this country an Independent Government.

To Mr. Chapleau.—The first meeting for that purpose was on the 25th of January.

To His Lordship.—They had no previous expressed authority from the people for that purpose.

To Mr. Chapleau.—It was not on the 25th January that the Provisional Government was formed.

His Lordship here informed the witness that he would have to look over the archives, as he a moment ago had stated that a Government *had* been formed on the 25th of January.

To Mr. Chapleau.—Believe that a Government called the Provisional Government was formed on the 25th of January by the delegates arranged to be elected at a meeting of the people; on the 19th or 20th of the same month, a committee was appointed by the Convention to nominate officers of a Government; do not recollect the names of all the committee; I was one; the committee was composed of six or eight, half French and half English; I recollect James Ross and O'Donohue; do not recollect the names of the others; I was reported for Secretary of State, and O'Donohue as Treasurer; John Bruce, Minister of Public Works, as I think; James Ross, Chief Justice; A. G. B. Bannatyne, Postmaster General; my duties as Secretary were never defined; I did duties, wrote certain letters to the Hon. Joseph Howe, Secretary of State for Canada; I refer to the letters accrediting the delegates chosen by the representatives of the people to go to Ottawa to negotiate with the Canadian Government; the delegates were appointed by the Convention of the 11th of February; I think Riel was elected President on the 25th; was present when Riel was elected as President; he was elected by a large majority of the Convention; I think the Convention was composed of twenty-four; Riel was elected long before the Delegates were appointed; I think it was on the 11th February that the Delegates were appointed; (witness here produced a number of letters [copies] sent by him to each of the Delegates); what was called the Legislature of Assembly passed laws. (witness produced Bill No. 4, presented by Hon. Dr. Bird, which was passed by the Assembly. The bill produced was entitled "An Act to Indemnify Members"; there was not any public works to my knowledge, but think there were; there were some members of Council Assiniboia who were Delegates; in the latter part of February, there were general elections in the English parishes; there was a burst of the Delegates elected on the 25th of January, about the 17th of

February, by what is known as the Kildonan movement; I now produce the return of the elections; I was re-elected; there were twelve chosen for the English; do not know if there was a re-election for the French; knew they had twelve; the elections were promised by Donald A. Smith, Archbishop Taché and Bishop Machray to save Bolton's life; these elections were made with the consent of the Assembly. (His Lordship here asked the witness how the Assembly could give the consent after the Kildonan affair, as he had already stated that the affair had burst it up.)

To Mr. Chapleau.—There was a popular feeling that a new election should take place, because it was considered as the best plan to get out of serious difficulties; Governor McTavish did not oppose the meeting of the Assembly; knew that he was very ill at that time; it was publicly known that Donald A. Smith was a Commissioner of the Canadian Government; Donald A. Smith was then also one of the officers of the Hudson's Bay Company; I think he was living at the house of Governor McTavish, and was in communication with him; the Conventions were public proceedings and actions all through; there was never any protests made by the Council of Assiniboia to the sittings of the Legislative Assembly.

Cross-examined by Mr. Cornish.—Think that the object of the elections was to save Bolton's life; assembled after this election on the 9th of March; think the English twelve assembled; could not tell who was from the Portage; resolutions were passed on 9th of March; written resolutions; Archbishop Taché was before the Council on that day; one resolution was an expression of loyalty to the Queen; can't tell how long the session continued; was for some days; can't tell of any other resolution; the expression of loyalty was "part of a resolution;" don't recollect the remainder; this session might have met to meet Archbishop Taché; did not know he had arrived at all; there was a notice sent to me; the session took no action in the matter of Scott's being shot; the powers of President were never defined; Riel was President; never resigned as President of State; never got my pay yet.

Archdeacon John McLean sworn.—Was in this country in 1869 and 1870; was present as last witness stated; assisted D. A. Smith in promoting the elections which took place as stated; I went with D. A. Smith, soon after Bolton was condemned to death, down the Red River, to induce the people to elect representatives; witness here proceeded to give his own experience; one day I received a note from Captain Bolton asking me to come and see him, as he was condemned to be shot and executed that evening at twelve o'clock; that evening I went down and was taken to Captain Bolton's room, which was in the building afterwards known as the prison; I found Captain Bolton handcuffed and ironed on the legs, reclining on a buffalo robe, in the room; he then told me he had been condemned to die; I asked him if he believed it would be carried out; he said he did; I then immediately went and saw Mr. Riel; he told me the man must die; he was very much displeased; I spoke to Mr. Riel on the subject as well as I could, and went back to Captain Bolton and said I was afraid that it was only too true; I then entered into religious conversation with him; I saw Mr. Riel again, and asked his permission to get the material to administer the Holy Communion; this was done; Captain Bolton gave me an account of the transactions, and his last message to his family; he wrote on a bit of envelope that he had, what his position with the Portage movement was; as the time drew near I was very deeply distressed, more in fact than he was, as he had shown great Christian fortitude; I went to Mr. Riel and implored him to spare the young man's life, and to postpone the execution till the next day at noon; I went home and Mr. Riel promised he should be safe until I came back; I came back about seven; by this time many leading people had knowledge of the facts, and came and implored Mr. Riel not to execute Captain Bolton; I think, if I remember right, it was again postponed; I then thought that in all probability he would escape; it was at this time that Mr. D. A. Smith took a

very active part in endeavoring to save Captain Bolton; during the time I was in the room with Captain Bolton, Riel came in, and burst into tears, and stated in excited tones that he could not help this matter—he was sorry; afterwards he came to the door and knocked at it, and asked me to come out, and said that the Captain's life would be spared; that night I was in Fort Garry until midnight; afterwards I was told that the reason was that Mr. Riel was sending some men down the river, and he did not want me to get out until the men were off; this enabled me to hear a conversation between Mr. Donald A. Smith and Mr. Riel; Mr. Riel strongly urged Mr. Smith to remember what he had done in saving Captain Bolton's life, and to try and get the English delegates to come up, for he could not answer for the lives of the other prisoners unless they came; this made a great impression on my mind; I had been under serious alarm that blood might be shed, after I had heard the Canadian prisoners express themselves very much; I should have done it had I been in their places, and I tried all I could to keep them quiet; I was afraid of conflict between them and the guard; taking all these things into consideration, when Mr. Donald A. Smith called and asked me to accompany him, I thought it was my duty to do so, and I did so; we went down the Red River and were very well received, and we stated to the people that any delegates that might be sent was on account of present distress; we told the people that by and by the Canadian Government would come in and set everything right; one thing I wish to say in justice to Mr. Donald A. Smith, he repeated what I said about the Canadian Government coming in, and made it stronger than what I did; we came back to Fort Garry and went into the rooms of the prisoners; I addressed them and spoke to them of the danger of us all, and they unanimously voted that I should go with Donald A. Smith; all held up their hands; we went up the Assiniboine and found that the parishes had elected their Delegates before we went; at the first address I made to the prisoners, there were two or three who did not hold up their hands, and I told them that if they did not so, I would have nothing to do with it; then they all did so; I told the prisoners that I thought they were in danger of their lives, and it was very probable that it might have influenced them; I must say this in justice to the prisoners.

To Mr. Royal—Had very often visited the Fort; had to make a request to Riel personally to see the prisoners; used to see Governor McTavish—he was sick, and attended him; one of the nights I was with Captain Bolton, Mr. Riel asked me if I would take something to eat; had been from home all day and was much fatigued; was brought into a room in the Fort and had some supper there; there were two persons there, but do not recollect them; Mr. Riel was there and treated me with civility all the time I was in the Fort; I am not very sure of seeing the prisoner; Mr. Riel appeared to control everything; he certainly controlled me at all events; he never allowed me to go in to the prisoners without an interpreter; he told me I was only to pray, and I was not to read any part of the Scriptures, or I should be sure to talk politics to them; I went to Governor McTavish's without getting permission of the guard; am not sure if there was any guard stopped me from seeing Governor McTavish or not; think there was a guard, but do not think it gave me any trouble; for the greater part of the time, I was almost refused permission to see the prisoners, but after Captain Bolton's case there was hardly any difficulty at all.

Hon. A. G. B. Bannatyne sworn.—Was in the Province during the latter part of 1869-70; was a member of the Provisional Government; was elected a delegate by the people of Winnipeg and St. John's on the 19th of February; I was nominated by that Convention as Postmaster; was brother-in-law to the late Governor McTavish; remember the meeting on the 16th, of members of the Delegates sent to Fort Garry; object of that meeting was to take into consideration the state of the country; the authorities were not notified that Colonel Dennis was getting up a party to admit McDougall; I am not positive that the

Bill of Rights was accepted or not ; they sat for several days ; the Governor and Council of Assinibola advised Governor McDougall to remain where he was for the present, owing to the unsettled state of the country ; there was a reply.

(The letter was here read in full.)

Was then a member of the Council ; was not a member of the Convention ; saw the original of the letter to Governor McDougall from the Governor and Council of Assinibola, sent on the 30th October ; an answer was received by Colonel Dennis ; there was also a report by Colonel Dennis since he came into the country, and which stated the hopelessness of getting the old settlers to help him to the country ; a meeting was held after the letter was sent, and a Bill of Rights adopted ; there was a counter-movement made by Colonel Dennis, Dr. Schultz and others, principally strangers ; it was kept quiet for a while ; it was afterwards an armed movement, not authorized by the Hudson Bay Company or the Council of Assinibola ; they armed men in Lower Fort Garry ; excited the Indians to rise and join against the old settlers ; there was a party who were armed in Dr. Schultz's ostensibly to protect private property, but I have Colonel Dennis' own letter to show that he did not consider it in danger ; believe that it was afterwards taken by the Provisional Government ; Colonel Dennis issued a proclamation on the 4th of November ; Snow and McArthur met the French party to ask them to leave the house of Dr. Schultz, which was surrounded by armed men led by Riel ; on the 1st of December, Colonel Dennis brought into the settlement a proclamation purporting to be from Governor McDougall ; that proclamation was doubted ; then there were proclamations issued by Colonel Dennis to kill and burn down houses, and slaughter, and conserve the peace ; there was another proclamation about that time by Riel ; proclamations at that time were very numerous ; the Bill of Rights was assented to.

(The witness here stated that he had the authority of Colonel Dennis in writing to say that his proclamation was not legal.)

The day on which it was issued, the prisoners were taken at Dr. Schultz's house ; the Schultz party did not apply to the Governor in Council for assistance ; we considered ourselves wiped out of existence after the proclamation was issued ; the Governor in Council did nothing afterwards until late in the summer ; up to the arrival of the troops, the only Government was the Provisional Government ; on the 19th of January, there was a mass meeting ; on the 25th there was a Convention ; think there were twelve from each side appointed ; they were requested to meet to make known to the Commissioners the wants of the people ; met again on the 26th of January ; it was at the meeting of the 19th of January that Riel, Richot and others spoke ; the mass of the people at that meeting was favorable ; for some days the delegates met ; they requested Mr. Smith to be with them ; said it would be better to frame their Bill of Rights themselves, and then they could send the deputation to Ottawa ; Mr. Smith also handed in his papers and commission from the Canadian Government ; Judge Black was elected Secretary, and Riel was elected President about the latter part of February ; protests were made against my own election ; the present Bishop of Saskatchewan was chairman of the meeting ; was styled a member to serve in the Council Board in the Provisional Government ; the Council sat and passed laws and made public works without protest ; the Council met in February and adjourned till March after Bishop Taché's arrival ; public Bills were passed by the Assembly.

WEDNESDAY, Oct. 21.

A. G. B. Bannatyne—cross-examination by Mr. Cornish.—I suppose the persons I spoke of were British subjects ; it was understood that Colonel Dennis was a surveyor and head of the surveying party said to have been sent by the Dominion Government ; this afterwards became an armed movement ; at first it was quiet ; it

became an armed movement when they enlisted men at the Stone Fort ; this was you may say a counter-movement to another armed movement ; would not be positive which movement was organized first ; in the fall of that year there was considerable talk among the French to get up a movement to keep McDougall out ; about this time, Colonel Dennis commenced going around among the English settlers, to see whether they would unite with him and bring in Governor McDougall, should the French party oppose him by force ; at this time I do not remember any assemblage of persons at Stinking River ; at this time there was no barricade on the road between Pembina and Winnipeg ; there was a difficulty about the surveys, and immediately after this, Colonel Dennis commenced getting up his force ; I have nothing by me to refresh my memory as to dates except the official documents ; Lusted, I think, was a resident of the country ; Schultz also ; Franklin was an old settler ; Mulligan was an old settler ; Franklin was taken prisoner at Schultz's ; Drever joined the counter-movement and was also an old settler ; the others also joined the counter-movement ; cannot tell who were the strangers ; recollect Dr. Lynch, Mr. Farmer, Dr. O'Donnell, Bubar, Chisholm, and could recollect others if I had time ; they were strangers in the sense that they had not been in the country for very long ; the movement was, I believe, to prevent McDougall coming in, not to prevent the surveys ; was not a member of the Convention when Riel was elected ; was appointed a member of the Provisional Government ; we had no law ; the only law was swept away by McDougall ; this Government was got up to save anarchy and strife while arrangements could be made with England or Canada ; Judge Black sat as a Delegate on that Convention, and he was Judge of the land at that time ; I went to Scotland in June to bring my family back, and returned early in the fall ; am a native of the North of Scotland ; at the time of the publication of the *New Nation*, and the first issue was coming out, it was altogether American ; I heard from Riel that he would never work for annexation to the States ; I saw Mr. Coldwell, who was connected with the paper, and told him that Mr. Riel had told me that the next issue would be stronger than the previous one, but that it would be the last ; Mr. Coldwell said if he could do that he was an abler man than he believed him ; immediately after the editor was put out of place, and another editor put in, and the tone of the paper was changed ; Riel said he was willing to take assistance from all quarters, but as soon as he was strong enough he would repudiate the American element ; Mr. Robinson was the responsible editor, and said he was both proprietor and editor ; Mr. Coldwell was hired by the day's wages ; know that Stutzman came down from Pembina about this time, and shortly after was sent away by Riel on short notice ; was frequently at the Fort when Riel was there ; was not there on the 4th March ; had heard of what was to take place, but did not go down ; during my visits to the Fort have seen Lepine ; Lepine seemed to be one of the party, and was appointed by the Convention of the 25th January, by both English and French, as Adjutant-General, and acted as such in the Fort ; am not aware of what became of Scott's body ; never had any conversation with Riel on the subject of the disposal of Scott's body.

To His Lordship.—I did all I could to prevent the execution taking place ; the Fort was closed on the night of 3rd of March.

Charles Nolin sworn.—Reside at Pointe de Chêne ; was born in the Province ; was in the Province in 1869 and 1870 ; know perfectly well when Thomas Scott was said to have been shot ; unhappily I did not know him under favorable circumstances ; first became acquainted with Scott in the month of August, 1869 ; Scott was working on the Dawson Road ; he was a laborer on the road ; one day the laborers were at work, Scott was at work in the bush ; he appeared not to like the eatables that were given him ; he objected to the food furnished ; witness was certain it was good, as witness furnished it himself ; Scott and fifteen men revolted against the Superintendent of the Government works, Mr. Snow, and Scott was the leader of the fifteen men ; to the best of witness'

knowledged, they struck work for three days; know that I used good provision, beef, and sometimes tea and sugar; might have happened that provisions were badly cooked; what I mean by revolted is they struck work; the men came over to the office, seventeen miles from where they struck work, with a flag, and wanted to be paid for the time they had worked, and the time they had struck work; Mr. Snow was willing to pay them for the time they had worked, but not for the time they had struck work; Scott and the men wanted to get the pay by force; knew Scott; the other fifteen were all strangers in the country; Snow was also a stranger.

His Lordship stated that he would stop this evidence, as it appeared to be merely a little difficulty amongst strangers.

Witness continued.—Saw Scott at the time of the troubles, and I arrested him and made him a prisoner in the Ferry-boat; I did this on the authority of the Hudson Bay Company; this was the latter end of August. (This was ruled out by the Judge.)

Witness was at the Fort when Riel was elected President; was representative from Pointe de Chêne; had been elected by the electors of Pointe de Chêne; there were forty-eight members, twenty-four French and twenty-four English; was present all the time; there was only one member who would not vote, that was Mr. Boyd; everyone else voted for Riel; believe Mr. Boyd's constituents had told him not to vote for Riel; do not think Boyd was personally opposed to Riel; was not at the Fort on the 4th of March when Scott was shot, but came there towards the evening.

Cross-examined by Mr. Cornish.—Personally Mr. Boyd did not object to Mr. Riel being elected; there was a good deal of discussion over the matter, as to whether the Hudson's Bay Company still existed, before they elected Riel as President; four were sent to ascertain this—Lepine, John Frazer, John Sutherland and Xavier Pagé—and report; after they had come back and reported, I think Judge Black withdrew; after Riel was elected, he vacated his seat as President, but remained in the Convention; the vote was not taken before receiving a report from the four messengers; after Riel's election there was some speaking, and Mr. Frazer rose and said, "This is no more a Convention, as we have elected a President;" then Judge Black rose and vacated his seat as Chairman, and Riel took it as President; think that the country was well represented at the time of Riel's election; cannot say the number of people that were present; am pretty well satisfied that the great majority of the English Delegates were present; cannot say if Taylor, of Headingly, was there, but think he was; the votes were taken by a Secretary, and every one used to rise and give his vote; the Secretary wrote the proceedings of the Convention; know Taylor, of Headingly; if Taylor did not vote for Riel, he did not object to him, as I think; the Chairman took the motion for the election of Riel as President; each member rose and voted "Yay" or "Nay," and as he did so his name and vote was recorded on ordinary foolscap paper; Mr. Taylor came afterwards and did not object to Riel; cannot say if Taylor voted or not; the Bill of Rights was under consideration at the time; on the road to the Fort, heard of Scott's execution; was in the Fort about a fortnight previous.

Xavier Pagé sworn.—Remember the election of Riel as President; it was about the beginning of February; was a member of the Convention for the parish of St. Francis East; think every one voted for Riel, with the exception of Mr. Boyd, who did not; do not think Mr. Taylor was present when the vote was taken; some of the English members were afraid of doing something that was not right, so they proposed to send to Governor McTavish; Mr. John Sutherland proposed to send the deputation, and asked to go himself; the four were the prisoner and witness, John Sutherland and John Frazer; went and saw Governor McTavish; there were no soldiers on guard at the door; Governor McTavish offered the party seats; Mr. Sutherland said they would not be long, only came to get some information from Governor McTavish;