

have the evidence of the extraordinary Commissioner, Archbishop Taché. I am sorry to see that the Crown has not brought complete evidence in this matter. The evidence of Mr. Donald A. Smith was not brought because the Crown was understood to say that these meetings had no other reasons than the explanations of his instructions from Ottawa.

(His Lordship here said that if Mr. Chapleau had given the slightest hint that Mr. Smith was necessary, he would have had him summoned.)

After the delegates had gone, there is also proof of those delegates then being in Ottawa. Archbishop Taché was asked to come as an extraordinary Commissioner to settle the difficulties in this country. He was appointed the special messenger of the Ottawa Government to come and settle the troubles, and he came armed with a Commission and invested with power and authority to do what was best for the country, and empowered to make promises which he was assured would be carried out. As to the court martial and the proceedings of the 4th of March, I maintain it was the action of a Government *de facto*, and it was necessarily a military Government. The court martial was recognized by those Governments. The documents, papers and records of that Government have been destroyed; the records of that court martial are not to be found, and I know that it will be argued that the trial was a mock trial. I maintain that the members of that court martial could not be supposed to know everything about law as if they were experienced jurists, but it appears that they were not entirely ignorant of it. I maintain that the court martial was entirely composed of military authorities. It has been said that witnesses were not called and the French language was only spoken; witnesses were called and were sworn. Scott was tried on three different accusations; the first was of having taken up arms against the Provisional Government, and that he had struck the President of the Government and one of the guards. Evidence was produced and those charges were sustained, and the sentence of death was pronounced by the Court. Now, gentlemen, we have the evidence of Modeste Lajeminiere to prove that the prisoner was not present at the time of the execution, and have also the evidence that after the body was put in the bastion, one of the witnesses swore he heard the words "O Lord, O Lord," and that he believed these words came from Scott who was in the box. I will pass to the evidence of Baptiste Charette, and you will recollect that Chambers swore that it was Lepine that gave the signal with the handkerchief. This man swears positively that that signal was given by André Nault, and that man will have to bear the responsibility of the act. It is for you to say whether the prisoner was actively engaged in the proceedings of that day, if he was *particeps criminis* in the accident said to have been committed. It is true that the prisoner was at the court martial. When there is doubt more or less, it is reasonable and just that the prisoner should receive the benefit of those doubts. The great maxim is clear upon this point. It is better that ninety-nine of the guilty should go unpunished, than that one innocent should be sacrificed. I maintain that this man throughout has shown himself to be a British subject, loyal to the Queen and his country. He has been dragged from his home and from his family to answer a charge of which he is no more guilty than four or five hundred others who acted with him at the time. I have come more than two thousand miles to defend him, and I believe that his cause is a just and righteous one. I appeal to your sympathies, to your sense of justice. Four or five lives have already been lost in this unfortunate affair, and is the cry to be still blood? I appeal to your manhood, and to your honor, and to your sense of fairplay, and I maintain that the prisoner at the bar is not guilty of the accusation against him, and that you will render a verdict of acquittal, and that it is your duty as well as your interests to see that this settlement continues to become a flourishing colony.

Mr. Cornish then addressed the jury and spoke for half an hour, after which

the Court took recess, Mr. Cornish resuming his address on the Court re-assembling. He said :

May it please your Lordship, Gentlemen of the Jury :—

I am sure that all of you have sat with a great deal of patience listening to the facts and evidence in this case, and I may be permitted to say that you have exhibited throughout these long two weeks that patience and attention which should ever characterise jurors and juries. Gentlemen, I can assure you that these facts speak volumes in your favour, for they prove that the attention which you have bestowed upon this case was deep and absorbing. You have shown by your deportment that you appreciate and respect the responsibilities that your oaths have imposed upon you, and that in order to come to a just verdict it is absolutely requisite that every word that has been uttered by the witnesses—nay their very manner and actions—have not escaped your searching attention and enquiry. What have we, gentlemen, in this case on which you have sat night and day for two long weeks? You know the indictment, and you have heard evidence on both sides. You have seen, the counsel for the defence have employed every means within their power to refute the evidence which the Crown has placed before you, and which was extracted from not very willing witnesses either. The chief ground on which the defence rest their case is that the killing of Thomas Scott on the 4th March, 1870, was the act of a regular government, duly empowered and acting under the constitutional authorities of the country. When did that government become *de facto*, and who gave it authority? By some means or other that government has become defunct. What has become of it? Do they mean to say that it was a *de facto* government because it elected a president and because it had a council, and armed men to carry out its decrees? I can tell you that that government was only a government of physical power, and that this was used to enforce its will. But that time has passed away, and those notions that justice, slow-footed as she is, would never overtake the murderers of poor Thomas Scott, are dissipated. The time has come when the law will be enforced. It is in accordance with that law that you are here to-day. One of the points raised by the defence in their special pleading is that it is necessary to prove that Scott is dead. If Thomas Scott is not dead, no one better than the prisoner knows where he is. If Scott did not die, the prisoner and his accomplices are the people best able to give us the information where he is. Would to God that Thomas Scott were not dead, and that he could stand here in this Court to-day; would not every man raise a shout of satisfaction, and the prisoner at the bar would he not stand gloriously acquitted? But unfortunately Thomas Scott did die, that must be the conclusion of every man who has heard the case. Yes, everyone of you must come to the conclusion that Thomas Scott was killed and murdered by the prisoner at the bar and his accomplices. It is a principle in British law that all persons who participate in the taking away of life deliberately and without authority are guilty of wilful murder. Another special plea is that there was no evidence given as to Scott's death by a doctor or a surgeon, but I trust that you will not permit such a weak and absurd idea to lead you astray. In order to arrive at a just and sensible conclusion, you are to judge from the evidence, and if you think that evidence justifies you in believing that Thomas Scott is not dead, then there was no murder. We have the evidence and the witnesses to say that they saw a number of men drawn up in a line with double-barrelled guns, and then discharge them into Scott's body, and we have the evidence to show that the prisoner at the bar was ordering and directing these men on that occasion. It remains with you to say whether the prisoner at the bar was one of these men who were present on that occasion or not. They say there is positive evidence that Scott spoke after he was put in the box. Perhaps in the agonies of death he may have called upon his murderers to release him or put an end to his agonies, and though the prisoner was there

with all his generous instincts, there was no one to go to poor Scott's relief. There can be no question that the poor man died of these gunshots and the wounds they inflicted. Yes, for no crime whatever, for the evidence does not go to say that any charge was proved against him at that mock trial. Poor Thomas Scott was taken out of the Fort in the light of noon and butchered by fiends in human shape—slaughtered by the authority of a court martial presided over by that man at the bar, acting under the directions of the Provisional Government! Gentlemen, some of the arguments used by the defence do not need to be refuted. They contradict themselves. I am sure you will admit that the prisoner has had every allowance and latitude given him. In order to bring you to a proper conclusion, it will be necessary to take you to the time that he was arrested with the Portage party on the 17th of February, to the fatal 4th of March. He was proceeding homeward to the Portage; he had a right to travel on with others. We find by the evidence of Mr. Farmer that on the night of the 17th of February, he saw a number of men proceeding from Fort Garry. We find that Lepine, the prisoner, was one of that party and in authority. On that occasion some conversation took place between a man named Panquin, of the Portage party, and who enquired what Lepine and followers meant by their demonstration of force. I feel here that it is my duty to state that as soon as I heard this man's name, I despatched a messenger with a subpoena to that man who I was informed was residing at the Portage, and that messenger returned stating that Panquin was out of the Province, beyond reach at Fort Pelly. The Portage party were surrounded, and a man by the name of O'Donohue and the prisoner at the bar appeared to be in command. They were arrested and taken to the Fort. Thomas Scott was one of that Portage party. They did not suppose that anything was wrong. They were mistaken. The party that was taken were imprisoned there, and poor Scott was kept there until the 4th of March, when he was taken out to be murdered. It has been proved by credible and reliable witnesses that the prisoner at the bar was there present at that slaughter, acting under the orders of the so-called Provisional Government. Alex. McPherson, one of the witnesses, said that Lepine was behind the party that led Scott out of the prison to be shot. Alex. Murray tells you that he saw him that day actively moving about the Fort giving instructions to the armed guards. Murray also tells you that at the time they were taken prisoners, the prisoner being asked if he was in command of the Fort party, made his bow in assent to the supposition. The next thing we hear is that the prisoner is in command of the insurrection, giving orders. And what can you say of the Hallet affair, of the treatment that poor man received at the hands of the prisoner, who, there is no question whatever, was an active participant in these proceedings? We proceed to the 3rd of March. For some reason or other, it may be that Louis Riel's words are true that he was going to teach the Canadian Government that he was in earnest, by taking the life of one of Her Majesty's subjects. This is the only reason that we have heard alleged during the whole course of the trial and investigation as to the cause of the murder of Thos. Scott. It was necessary to slaughter some one to help the cause. We find on the 3rd March poor Scott was taken into a room and informed by the chief witness in this mock court, presided over by the prisoner, that he is to be shot. The same opportunities for defence which have been given freely, nay abundantly to the prisoner at the bar, now on his trial, were denied poor Scott. He had no counsel to come two thousand miles to defend him, no jury of his countrymen to examine the evidence, no chance to show that he was innocent of the crimes charged against him. The man before you presided at that court which in less than two hours, in a language foreign to their victim, decided to take his life in order to teach the Canadian Government that they were in earnest. Yes, a victim must be immolated to baptise the Provisional Government with his blood, and that victim was poor Scott, and one of his murderers is the prisoner at the bar. What was the pretext for the justification of this

bloody deed? That Scott had struck Riel and beaten one of the guards, and that he had broken his promise or oath that he had taken to the Provisional Government. I tell you there is no proof that Scott ever made any promise or took any oath to the Provisional Government. Examine the testimony of Joseph Nolin, and what does he say? He tells you he was told at three o'clock in the afternoon of the 3rd of March that Scott was to be brought before the Council and sentenced to be shot. Murray tells you in his evidence—and Murray is a most credible witness—that on the night of the 3rd of March, about eight o'clock, while he was looking through the keyhole of his prison door, he saw and heard Scott in an altercation with his guards, and that Riel, O'Donohue and Lepine were present, and that there was a scuffle. Now recollect what Joseph Nolin says; he states that three or four hours before that scuffle took place, and consequently before Scott had struck the guards, or the captain, or Riel, they had made up their minds to try him and sentence him. Now I want you to put together what Nolin says and what Murray says, and see if you can't see that the court martial and the sentence were not contemplated long before the alleged striking could have taken place. These charges of striking the Captain and Riel were mere pretences, unsupported and not proved. It is murder, cold-blooded murder and nothing less. Will you follow the evidence for a moment? What says the President of that mock tribunal—the prisoner at the bar?—"The majority only want his death, and he shall die." The evidence goes on to show that four were in favor of his death; one was in favor of exiling him; and one, Baptist Lepine, was opposed to the sentence. The records and minutes of that court have not been placed before you; they have been destroyed. On the morning of the 4th March, Nolin swears that the prisoner came to his room at five o'clock in the morning. What did he come there for? To see that the minutes of the proceedings of the night before had been correctly recorded. It appears that Riel called that morning at Nolin's room to see if the *procès-verbal*—the minutes—had been properly recorded, and we find by the evidence that they were altered by Riel, though Nolin states that the alterations were only with reference to the form. There has been a great deal of evidence with regard to the complicity of the prisoner. Take the evidence of McPherson. He swore that Riel was one of the men who accompanied Scott to the place of execution. Take the evidence of Murray. He says that he saw Lepine and saw Mr. Young. It is true that there is a discrepancy or rather an apparent contradiction with regard to the person who said "Good-bye, boys," when Scott and Mr. Young went around to say good-bye for the last time. It is a matter of perfect indifference who said these words. Some of the witnesses say that it was Scott who said the words. Murray swears that it was the Rev. Mr. Young. It is easy to account for the difference. Mr. Young may have said, "Here is Scott come to bid you good-bye, boys," and then Scott did so, but I am sure you will not permit yourselves to be misled by so trifling a matter as this. We all know what followed. The defence have attempted to surround the case with mystery and doubt, but it is a sad reality. The men who are detailed to do this bloody work are first made drunk by the prisoner and his associates, in order that they may in their drunken orgies make sure of their victim. It appears that on the occasion of the murder, the Rev. Mr. Young was the messenger of peace; that when that good man, whose name must always bear an important part in the efforts that were made to prevent his butchery, anxious to do his utmost to prevent the bloody deed, waited upon Riel, the President of this so-called Provisional Government, to ask and implore him to stay the murder, if not to prevent it at all events to postpone it. Riel sends for his Adjutant-General Lepine, the prisoner. He comes and is informed of Mr. Young's request. The prisoner shakes his head emphatically, gives the gesture of dissent, and turning upon his heel walks away and leaves the room. We now come to Mr. D. U. Campbell's evidence. He was in the Fort. He was in the habit of visiting the Fort with provisions; he did so purely out of friendship and warm-heartedness. On one occasion he was stopped from going out of the Fort by one of the guards.

He sees Lepine, the Adjutant-General, coming and he represents the matter to him. Lepine gives the order to the guard to allow Campbell to pass. There can be no mistake, the prisoner was a person then in authority. The next witness is John Bruce, and some are apt to speak disparagingly of John Bruce and his evidence. You know what Bruce said; you remember Lepine's observation to him with regard to the shooting of a couple of the prisoners before they should be released. You remember what was said to Murray a long time after the affair of the 4th March, when Murray went to obtain £60 and his gun and pistol, which he had delivered up in the presence of the prisoner. You remember what the prisoner told Murray on the occasion: "You had better keep quiet, for the Fenians are coming," and it is a matter of fact that the Fenians did come. We have the evidence of Duncan Nolin who saw Scott shot on the 4th of March. We have the evidence of Joseph Nolin, Lepine's private secretary, and you will admit that he did give his evidence with a firmness and a clearness that was becoming, and which, more than all, has not been contradicted.

It being one o'clock, the Court here took recess.

After recess, Mr. Cornish resumed:—I was going to refer to the testimony of François Charette, who is a man who knows Lepine well and who lived near him for some time. You all know what Charette says in his evidence. He was on the wall, and came down after the firing and saw the prisoner, and saw him with his hand on his pistol in his breast-pocket, and saw Guilmette fire the pistol at Scott's head. He heard and saw what passed, saw the prisoner there, and heard a voice say to him, "You have no business here, go into the Fort," and he received a kick which he believes was administered by the prisoner. It appears that when one chamber of the revolver had snapped, the prisoner's voice was heard to say, "Why is not that pistol in order? Here is one in order," and that moment Charette swears that the prisoner laid his hand upon his pistol in his breast pocket. Charette also tells us that that night he heard a voice utter the words, "My God, my God," from within the bastion. Charette swears that it was Nault who gave the signal with the handkerchief to the firing party. Chambers swears that it was the person known as Lepine. Charette also swears that the box was put in the ground on Saturday night or Sunday morning, but he cannot identify the parties who were doing it, or swear that the body was in the box at the time. Charette also swears that it was not Lepine that gave the signal with the handkerchief, that it was André Nault. This is an apparent inconsistency between the testimony of Chambers and that of Charette himself, but I think it is easily explained. It is within our power to prove that there were two parties giving signals on that day; one was to the party in charge of the firing party, and the other was to the guard itself. The evidence given by Baptiste Charette has satisfied you that it came from a most unwilling witness. He saw the Rev. Mr. Young there. He saw André Nault there, and he saw all that was going on. It appears that the Rev. Mr. Young was instrumental or rather was the cause of a delay of nearly two hours. Poor Scott was condemned to die at ten o'clock, but it was noon before the slaughter commenced, and Riel and Lepine became impatient about their victim. What was the conduct of this man when applied to by the Rev. Mr. Young and Bishop McLean for the body? Was it not proved that Riel promised the body on condition that there would be no demonstration made about its burial; and that afterwards he had to recall his promise because the prisoner as Adjutant-General refused to give up the body, and claimed that body as his? Was that the conduct of a man of such generous instincts as have been ascribed to him by the learned Counsel for the defence? To refuse the clay of poor Scott the last rites of the Christian Church, was an act which must impress upon your minds the character of the prisoner at the bar. And if we are to believe the records, Scott was not the only one condemned to die. Major Boulton was condemned to be shot at twelve o'clock in the night, and his life was spared only on conditions which were extorted by threats and a display of powder, shot and guns. And you must put the story of the cutter going out at

night, and the entire disappearance of Scott's body, together and draw your conclusions. And next we have the evidence of Rev. Père Ritchot, and what does it prove? Why, it proves that there were others behind the scenes, misguiding and misleading those whom they should have been teaching and instructing. Yes, it may be before we get to the end of this question that others may be drawn in who have escaped under the garb of sanctity and religion. In the evidence of Modeste Lajemoniere, we are given to understand that the prisoner, together with Riel, was in the attic of Dr. Cowan's building looking out of the window when Scott was passing out on the morning of that fatal day of March, and that one of them was so surprised that he said, "In God's truth they are bringing him down," as much as to say that they were surprised. Are you to be misled by such shallow pretences as these, manufactured for the occasion? Who, I ask, was in command there at the time; and if the prisoner was opposed to the execution, why did he not rush down and say, "Halt, return that man to his quarters, you must not take away his life." No, it was the prisoner who pronounced the sentence of the court, "The majority want his death and he shall die." The body in the box confirms that of Lajemoniere, and can we believe that, while poor Scott was lying there in the fearful agonies of death, there was no one either to put an end to his miseries or to relieve his pains? It is not unlikely that when he was carried into the bastion, a knife or a pistol was used to cut the last thread of existence; but the long time that poor Scott must have suffered the agonies of death is known only to his torturers and to Him who is the avenger of all crime. It is a rule of law that no man on a jury should prevent a just verdict because of prejudice or in spite of proof. I trust that you have come to the conclusion that the so-called Provisional Government was not legal, or lawful; this, you are aware, must not determine your verdict. It is upon the immediate facts of the murder of poor Scott that you must decide. The learned Counsel for the defence has appealed to your sympathies, because the prisoner at the bar has a weeping wife and family fearful of the issue. I tell you poor Scott had a mother, and that mother had a son, who according to the evidence which has been given, was foully and cruelly murdered by the prisoner at the bar and his associates on the 4th of March, 1870, and that even the last rites of Christian burial were denied the poor clay of Thomas Scott, and the body was spirited away by the prisoner and his associates, and to this day it is a mystery where that body is. I am sure that there never was a clearer case, and it is your bounden duty to record a verdict of guilty against the prisoner at the bar.

Mr. Stewart Macdonald, junior Counsel for the Crown, then addressed the jury in French as follows, closing the case:—

May it please Your Lordship,

Gentlemen of the Jury:—

After hearing the able and long addresses delivered to you by the learned counsels for the defence, and also the able and elaborate address by the leading Crown Prosecutor, I as junior counsel for the Crown address you with some reluctance. The thought struck me, while I was listening to the many legal points raised by the learned counsel for the defence, whether or not they were admirable as reasonable objections in justification of the foul deed committed on March 4th, 1870; in carefully examining the evidence and giving every possible doubt to the prisoner at the bar, you will find that the great mass of testimony, both for the Crown and the defence, goes to show that the prisoner Lepine was a participator to the crime of which he is charged, and which he is proved to have been directly concerned in the killing of that ever-to-be-lamented loyal victim of illegal power, Thomas Scott.

You have now reason to say that he was loyal to his Queen and country, and this loyalty he has sealed with his blood, as has been proved by over thirty

respectable and intelligent witnesses. When we recall to mind the insurrection of 1860 and 1870 in the Red River Settlement, it is with feelings of horror that I refer to the crime which was committed in open day, and which has been so mildly termed "error" by the leading counsel for the defence. But, gentlemen, while addressing you I feel that you have that conscious dignity of your position as men of respectability and your responsibility as jurors between Her Majesty the Queen and the prisoner at the bar, that will lead you to respect the oath you have taken and the allegiance which you owe to her and to society. It has often been remarked that mixed juries seldom agree upon their verdicts, in consequence of party spirit and prejudice being admitted into the secret circle. To men whose minds are well disposed, such as you appear to be, it is to be trusted that you will manly and nobly unite in the verdict on this important trial, thus showing to the world that notwithstanding all the influences brought to bear on your minds, that you came into this Court as jurors armed with that free spirit of determination to do justice which characterises every honest man, and as such you are asked as a right to agree upon your verdict. It is needless to tell you that the eyes of the world and of this community in particular are upon you in so critical and important a moment as the present, awaiting with breathless interest the results of your deliberations. It is now your duty to weigh carefully all the evidence you have heard during this long trial, and if the evidence for the defence is found wanting, it will be a duty incumbent on you, both individually and collectively, and after a calm deliberation, to declare to this honorable Court that you find the prisoner at the bar, Ambrose Lepine, guilty of the crime of which he is charged in the Bill of Indictment found against him somewhat over a year by your peers the Grand Jury, and for which up to the present time he has been awaiting his trial. You must discard all feelings of fear, favor or prejudice from your minds, and concentrate all your ideas upon the evidence which has been laid before you, and if a reasonable doubt arises in your minds as to the guilt or innocence of the prisoner, you are bound in justice and law to give him the benefit of that doubt. But that doubt must be well founded, not simply a doubt for an excuse to throw aside a simple duty, but that which will plead fairly and justly in favour of the prisoner. The case now under your consideration is without parallel in the history of British America. The result thereof will be echoed all over the civilized world, and whatever decision you may come to, it will be final and will be handed down to posterity. The learned counsel for the defence has endeavoured to show you that the so-called Provisional Government of which the prisoner was a member, was a legal Government, by way of a plea for the justification of the crime of which the prisoner is accused. Admitting by way of argument the legality and existence of such a Government, is there any reason that the powers of that Government should have been prostituted? Scott's blood had no right to be shed, or his death compassed by men whose whole power was of both doubtful and illegal tenure. That blood now calls loudly for justice, and you are the chosen instruments of the law for this purpose.

Three objections in particular, amongst many others, have been raised by the defence.

First—That Scott is not proven to be dead, because two witnesses heard the words, "I say, I say," and, "My God, my God," spoken from the rough box called a coffin in which Scott's body was placed when it was taken into the south-east bastion of the Fort. To that objection I would answer in this way. The Rev. Mr. Young, although not a medical man, has told you in his testimony that Scott could not survive after receiving three bullet wounds in the breast and shoulder, and also a revolver shot in the head. If after this evidence the defence can say that he (Scott) is not dead, and can prove this statement by the production of his body alive and well, why then this charge of murder against the prisoner falls to the ground. There can be no two opinions with regard

to this, the whole testimony proves the fact that he is dead, but to life only, and not to justice.

Second—That if Scott is dead, the body was or has not been found, and no coroner's inquest held to determine the manner of his death. To this I will answer: The guilty parties have secreted that body, to which Christian burial was refused, and now try to shield their inhuman act by the admission of Scott's death in their second objection, but denying it in the first. I will leave it to you to say, for you are better able to judge, is Scott's chained and manacled body lying beneath the dark waters of the Red River, or is it not? Evidence has been given to warrant this conclusion.

Third—That the prisoner was President of the Council of War which condemned Scott to death, and that he only performed a military duty under an acknowledged Government of the country at that time. What answer can be made to this objection, and to the mock trial, for mock trial it was. Why, Riel was the accuser, the chief witness, the prosecutor and the judge, and it was at his request that poor Scott was sentenced, whilst he was denied the right of presence at the tribunal which ordered his death in twelve short hours. Of whom did this so-called Court Martial consist? Why, gentlemen, it was composed of seven men who had been duped by Riel to imagine themselves a court of justice, and of this would-be court the prisoner at the bar was the leading spirit. Was it civilized justice when Scott was refused to have the evidence against him made known to him in his own language before he was sentenced? Was it the acts of righteous judges to refuse his petition in this respect, or was it the act of men who had coolly and deliberately planned the death of a man of whose fearless character they stood in awe? The prisoner at the bar unlike Scott has had a fair trial, has been defended by able counsel, and if he has to meet his inevitable fate, he will, unlike that of poor Scott, be given ample time to reconcile himself to his Maker, and implore for that forgiveness for his crime which cannot be given him in this world. If the prisoner stands in the felon's dock, you must bear in mind that it is not through a spirit of mere vengeance, but for the vindication of that law which says, "Thou shalt not kill," and for the future peace and prosperity of this Province and of the whole North-West Territories. And now, gentlemen, let us in a few brief sentences see how the evidence implicates the prisoner in this heart-rending crime.

First—He appears as Adjutant-General, showing a little brief authority on everything that his perverted and tyrannical mind dictated.

Second—The prisoners were released by his authority, and passes given them by his private secretary on his order to that effect.

Third—He presides at the so-called Court Martial and pronounces the doom which brings the thread of Scott's life to an untimely end.

Fourth—He sternly despises the requests and earnest solicitations of Scott's warm friends to spare his life a few short hours longer, that he might prepare for that terrible change from whence no traveller returns.

Fifth—He takes away that life, but not yet satisfied with shedding blood, he denies Christian burial to the remains of the victim of his unrighteous passions.

— After doing all these, he now wants to plead justification and innocence. So do all criminals when they are brought face to face with their crimes and the Majesty of the law consequent upon their committal.

The day of retribution has come at last. Justice has been tardy, but sure no justification offered can be of any avail for the prisoner. The law will have to take its course, and a felon's crime must meet a felon's doom.

It is true a commutation of sentence may be granted, if the prisoner is condemned to death, but this rests with Her Majesty through the Governor General

and Council of the Dominion of Canada, should they be inclined to show that mercy which the prisoner denied his victim.

It is needless for me to recapitulate the whole of the evidence, for during a long and patient investigation you have had the whole of it laid before you, and the attention you have given to the trial is worthy of the highest praise. His Lordship the Honorable Chief Justice for this Province will deliver his charge and explain to you the law in all such cases, and to him you will give that earnest attention which has characterised you throughout this trial. I now conclude in the full confidence that after retiring and duly deliberating amongst yourselves, you will have no difficulty and no delay in agreeing to a verdict of "Guilty" against the prisoner at the bar.

It being five o'clock, the Court adjourned until Monday morning at ten o'clock when His Lordship said he would deliver his charge.

MONDAY, November 2nd.

On the Court meeting pursuant to adjournment, after routine,

His Lordship delivered the following charge in English, sentence by sentence of which was translated to the Jury by Mr. Carey, Clerk of the Court :—

THE CHIEF-JUSTICE'S CHARGE.

In giving my charge to you, in consequence of some being on the Jury who do not understand English well, I propose to speak to you as shortly as I possibly can so that you can hear every word. Mr. Carey shall translate into the French language the words that I wish to speak to you. First, I remark that in the trial of criminal cases as well as civil cases, it is highly important to hear the most learned and able men as Counsels in the cause, to aid and assist the Court and the Jury. At the same time the Jury must not be misled. It is the province of the Counsel to argue and collate facts and circumstances of law, but never to give opinions—opinions as to facts are conclusions which the Jury must draw from the sworn testimony of the witnesses in the box, and the law must be pronounced from the bench for which the Judge is responsible. The old maxim is, the Jury are responsible to the facts and the Judge to the law. I shall discuss the questions raised on this trial on the record under two heads : First, whether a homicide was committed on the 4th of March, 1870, if such an occurrence constitutes murder, and whether or not the prisoner at the bar was so implicated in that killing as to render him guilty of the crime charged on this indictment. Second, was there any act committed under the circumstances as to make it murder, and was it more or less intentional? Are there any facts detailed before you on this trial which would justify that killing or that murder? Was it done by such an authority and having cause under that authority which in law would make it justifiable homicide? I shall speak to the latter proposition first, and in doing so I shall assume that the homicide did take place on the 4th March, and I shall pass briefly over the history of events which led to that killing, always keeping within the limits of the evidence given in the witness box at this trial, not going out of it. We know as a matter of public record on our state books that in 1868, the Imperial Government, the Hudson's Bay Company and the Canadian Government made arrangements for transferring the North-West country and Rupert's Land and the Indian Territory to the Canadian Government. As to the policy of that arrangement we have nothing to say on this trial. It was intended that the transfer would take place and would be consummated on the 1st December, 1869, but circumstances tran-

spired which we know from the witness box, that it was not then done, and it in fact did not take place until the 15th July, 1870. It is said before the month of October, 1869, certain persons in connection with the Dawson Road had some small difficulties with some of the natives, but not worth speaking of. Whatever was the result of it, the design of the Dawson Road was in the interests of the people here. Of course I refer to the road between this and the North-West Angle. We next learn from Father Ritchot that there were some troubles about the transfer and the introduction of Canadian officials. It appears that the people at that time were armed with arms and guns with the object and intention of preventing the introduction of the Canadian officials. The Jury heard what he said with regard to the barricade at the Stinking and Scratching Rivers and the distribution of guards in different parts of the country, also the interruption of the commerce of the country, the taking of twenty carts of Government stores, all of which was done about the 20th of October. About that time it would appear from the evidence there were some Government stores in the town, deposited in Dr. Schultz's warehouse. The result was, the first act was the taking of Fort Garry; it was taken as I recollect about the 1st of November. From that it would appear that Col. Dennis was collecting forces down in the settlements on the west side of the Red River with the twofold object of forcibly introducing Governor McDougall and the protection of Government property at Schultz's. The next event was the surrounding of Dr. Schultz's house and the directing of ordnance and cannon so as to reach the premises. They surrounded the building and took forty-seven prisoners. These prisoners were taken to the Fort. It does not appear from any statement of the witnesses that Scott was among the forty-seven, it would rather appear that he was not taken along with them, but by himself, and he was put in the Fort as a prisoner at the same time. The next event that I shall call your attention to, from the statement of the witness, was the Convention of the 16th of November. That convention was convened by a proclamation or public notice proceeding from the leaders of the movement, and called upon the English population to choose twelve delegates to meet twelve from the French population to deliberate on the affairs of the country. Just before the meeting of that convention Governor McTavish issued that proclamation which you have heard read (it is the one in which he states that they have taken public property and interfered with the mails). That convention met on the 16th of November, and after deliberating they adopted the Bill of Rights; we may call that for distinction the first Bill of Rights; it was proposed to present that Bill of Rights to Governor McDougall, and demand a concession of those rights. I refer to the evidence of Thomas Bunn. We do not know precisely from the witnesses the reasons which prevented the delegates from going to Governor McDougall. It is stated that the reason was that some of the English delegates said that the Governor could not grant these himself; another party contended it must be secured with the solemnity of an act of Parliament before they were to be permitted to come into the country, so nothing was done and the resolutions of the convention itself fell to the ground. That disposes of that convention. Gentlemen of the Jury, you must be very patient while I go through; and that the utmost patience and caution are necessary I need not say. The next thing we hear of in the evidence is the meeting of the 19th of January. That meeting was called by Donald A. Smith for the purpose of explaining his mission and to lay before them certain documents, among these the Queen's proclamation, all of which documents are here filed, and most of them you have seen in the public prints. That meeting of the several speeches made on the 19th was adjourned over until the 20th. It was said by the witnesses to have been the largest meeting that they ever saw in the colony, and apparently at that meeting the utmost harmony and good-will seemed to pervade the entire body. On the 20th they met in the afternoon. Father Ritchot says at the instance of some of the leading men in the meeting, a resolution was adopted in these words: Mr. Bannatyne moved that twenty representatives

shall be elected by the English population of Red River to meet twenty other representatives from the French population on Tuesday, the 25th instant, at noon, in the Court House, with the object of considering the subject of Mr. Smith's commission read, and to decide what would be best for the welfare of the country. Now observe the power to be given to the gentlemen here chosen, and in observing the power you must understand that the object of the meeting was to hear Smith's exposition, that is to consider the subject of Smith's mission, and consider what would be best for the welfare of the country. That resolution was unanimously carried by the meeting, and the delegates, the forty delegates were chosen, and they met on 25th of January and continued their sittings down to the 9th or 10th of February. The prisoner among others was one of the delegates. From the evidence it would appear that the convention went to work to frame a new Bill of Rights without hearing Mr. Smith on the subject of his mission, intending as they said to hear him after they had completed that work. That convention, according to Mr. Bunn's evidence, appointed a committee of which he was one to report officers of what was understood to be a Provisional Government. They did report, another convention adopted that report, and Thomas Bunn was appointed Secretary of State; Mr. Bannatyne, Post Master General; Mr. Ross, Chief Justice; and I think John Bruce was to be Minister of Public Works. I am not positive as to the last, but the convention did not define what should be the authorities and duties of these officers. After this was done they adopted a Bill of Rights, they had an interview with Smith, and finally they came to the great question of the election of President. Down to this time Judge Black was Chairman. Mr. Bunn says that the subject of President was referred to the same committee as elected the officers, and they reported that Riel should be President, but still that had to be confirmed by a vote of the convention. It appears no public discussion on the question, that is no speeches took place, but there was a great deal of private talk amongst the members. The English portion seemed very reluctant to take the step, alleging that the Hudson's Bay Company, with McTavish as the Governor, were the only legal authorities in the land. Then you recollect the interview with Governor McTavish and in which Mr. Sutherland says Governor McTavish said his authority was at an end, that McDougall's proclamation of the 1st of December had extinguished him and his Government, and he told them, Mr. Sutherland says, and they all agreed who were present as to that, "Establish a Government for God's sake, act for the interests of the country, I am a dying man" or "a dead man." It is but right that you should recollect that Governor McTavish must have known at that time that McDougall's proclamations were premature, and that by the law of the land, I mean the law of the Empire, the only legal sovereign in Rupert's land, and I do not include the Indian Territories of which the Red River Settlement is part, was the Hudson's Bay Company and their officers. I tell you in this connection that Governor McTavish had no more power than you or I had to divest himself of his legal authority, or to throw his mantle upon anyone else. It is but right that I should further state that Governor McTavish had over him at that time a guard, that he was a prisoner in his own house, and that his health was anything but sound. It has been observed in reference to Governor McTavish, at that time or some time after that he was weak in body, nevertheless he was clear in his intellect. Now I will leave this question for your cogitation, and in the solution of which you may be aided by your own personal experience or from possible experience; is a person who is diseased and weak in body likely to exercise that stern iron will in obedience to his judgment that he would were his physical frame sound and vigorous? Upon the result of the interview with Governor McTavish, the Convention decided that Riel should be President; that would be either the 9th or the night of the 10th of February; at that time seventy or eighty persons were then within twelve or fourteen miles of Headingly, some say hundred miles, in arms, with the avowed object, of forcibly releasing the

prisoners which had been taken at Dr. Schultz's house. On the 15th or 16th of February at Kildonan, some six hundred or seven hundred persons, more or less armed, were congregated apparently with the same object. The jury heard what the witnesses have stated as to the dispersion of that force. It is important for you to know and consider these facts in connection with this fact, whether anything like the unanimous assent by the great body of the English-speaking people was given to that thing called the Provisional Government. That Convention did not define the powers or authority of the President. All we know is that before his election Judge Black acted as Chairman, and after his election, Judge Black vacated his seat and Riel took the seat as Chairman or President. Now I ask you, had Riel, because he was elected, any more power than Judge Black had, who previously occupied the seat as Chairman? If he had, where did he get it? Who gave it to him? Did the people give it, or did that Convention give it to him? Was that Convention elected for the purpose of giving him any power, or was it elected to consider the commission of Mr. Smith, or was it only to consider the best interests of the country? I ask you to cast in your own minds if Riel, by what then took place, had the power of life and death in his hands? Who gave him that power? On the contrary, if he succeeded Governor McTavish, if that inference should be drawn, had he any more power than Governor McTavish? Had he any more power than the whole of the Hudson's Bay Company? Had he more power than the Queen herself? If he did possess the power of life and death, was it exercised with any regard for the law, military or civil? If the meaning was that this party should carry on civil government in this country, the meaning was that they should carry it out according to law. Did they do it? This is a question of fact for you. We are told by the witnesses that this Convention was burst (by Bunn I think) by the Kildonan affair, was put an end to. The Convention selected delegates on the invitation of Smith to take a list of their rights to go to Ottawa and present them to the Parliament and Government of Canada, the Parliament then being in session. On the 17th February, some forty-eight persons were taken prisoners out on the prairie. Among these prisoners was Thomas Scott, who had, while in the Fort before that as a prisoner, escaped and come to the Portage. You heard the witnesses state, and I shall not detain you just now by going over the facts that transpired on the taking of that Portage party. It is asserted by the witnesses that they were taken in bad faith, in fact that they were led into a trap. It does not make very much difference whether it was so or not, but it is worthy of your attention that after Riel or the leaders knew a large party was at Kildonan, they released the prisoners they had then in the Fort, and the release of which the Portage party swear was the only object of their coming down. Why, then, did Riel release these prisoners when a large number of people were assembled at Kildonan, and turn around and take forty-eight new prisoners? It is supposed in all warfare that the honor of human nature is always respected; even brigands have some sense of honor in respect to their movements. What then are you to infer from what transpired on the 16th and 17th February? Do you find in these leaders a combination of cowardice and treachery, or do you not? I think it proper that all the facts which have been detailed should be presented to your minds. An unfortunate circumstance transpired at Kildonan, and the circumstances surrounding it, as I gather from the witnesses, divest it in a great measure of the features which would otherwise surround it, but which called for the strongest condemnation. You have heard how poor Sutherland came to his death; he was shot by a person named Parisien. Parisien was taken by Farmer, supposed to be a spy. In all military movements spies are liable to be put to death. I do not mean scouts or advanced bodies of men in military movements, but I mean a person who pretends to be your friend, simulating friendship and ingratiating himself into the confidence of your party for the purpose of giving information to your opponents. Parisien was supposed to be such a person, although no one has said that he was one. It has been suggested

that he was a partizan of Riel's; however that may be, it is a matter of very little importance except as to the treatment he received, because he should never have been subjected to the harsh treatment that he received even if he was really what was supposed. Parisien in trying to get away, saw Sutherland coming up the river on horseback. Parisien in his escape had snatched a double-barreled gun, and as he was running to go to the other side of the river, Sutherland was coming across on the beaten track and they met. All the witnesses state that Parisien was very much excited, to such an extent as to lead him to act impulsively and without sedateness that takes away that responsibility that would otherwise attach to it. He may have supposed that Sutherland was heading him, he may have supposed that if he got the horse he could jump upon it and get away. His only motive may have been to make his way, or he may have distrusted him, and from the impulse of the moment drew up and shot him; but he fired two shots, the first took effect only slightly. He shot the second barrel and shot away his life. The parties in pursuit of Parisien then went after him into the woods and brought him back, but some one, whether before or after Scott was shot, had wounded Parisien. I think that it was after. He was brought back in such a way as no human being should have been brought back. There is no doubt he resisted and struggled to get away. No one had a right to restrict his liberty at all, I mean in the first instance. Of course, after he had shot Sutherland, any one had a legal right to apprehend him. Some allowance must be made for the flush of excitement on seeing a human life taken away like that of Sutherland. The jury heard what was said with regard to Parisien's hands, that they were tied and his hands frozen; that when he was brought in, medical men were appointed to attend him, and that he was taken down to the lower settlement. Then we lose sight of him. Now, gentlemen, it was argued by the Counsel that wanton disregard of human life was exhibited at Kildonan in reference to Parisien's life. It is for you to say whether it was one of the results of this unfortunate trouble not contemplated by any of the parties at all. In the same connection it is said that Goulet is dead. I do not know positively at this moment by what means or other his death was caused. No witness in the box gave any information on this subject, but it was long after the great event that took place on the 4th March. If anything improper was done by any person in connection with Goulet, let these persons be brought to justice. It will be found by this that the first person who undertakes to take law in his own hands, that the law will be too strong for him. It is very seldom that the commission of one improper act or crime can justify or palliate the commission of another crime, and one does not see how an event that transpired four or five months after the matter we are investigating can have any relation to it, I mean as to its justification. It may be that for the death of Goulet justice will overtake others as well as those engaged in the killing of Scott. From the 17th day of February, the time that the prisoners were taken on the prairie, I shall pass over until the 4th of March with the exception of one leaf in the history of these times. We are told by the witnesses that Major Boulton was condemned to be shot I think at twelve o'clock at night, Boulton being one of the Portage prisoners. I think he was condemned in the day, and I think he was to be shot in the night. Now you will always recollect that I have given you a portion of what was alleged to be the offices of the Government. Bannatyne was Postmaster, Bunn was Secretary of State, Bruce was Minister of Public Works, and Riel was President. As to the other officers of the Government we are left in the dark, and the convention that created these officers was dissolved and an end put to it by the Portage movements, on the 19th or following days of February. I will recapitulate the evidence of the Bishop of Saskatchewan, also that of Thomas Bunn. It appears that the life of Major Boulton was spared by the intercession of the Bishop and Mr. Smith. We are not told by what authority he was condemned to die. We are not told that any court sat; that the court, if it did sit, possessed the power of life

and death, or that the sentence was given in accordance with the laws of the land. No minutes of a Council of War is furnished us; no statement is made that Boulton had done anything which, according to the laws of war, justified his death. All we know is that the man having power exercised his will and said he will die—when I say power I mean powder and shot. It appears from the evidence of Bishop McLean and Thomas Bunn that this man Riel made it a condition of sparing Boulton's life and of liberating the prisoners, if the English-speaking people or all persons in opposition to him should choose twelve delegates, and his friends should choose twelve delegates—I mean by his friends his partizans; that is the power he then held was exercised to intimidate the other portions of the population in opposition to him. The first meeting spoken of is the 9th of March. His Grace Archbishop Taché spoke of being at that meeting or in that Assembly on or about the 9th of March. Bunn says it first met on the 9th March, and it continued its sittings, from the papers which have been filed and from the positive statement of Father Ritchot, until at least the 24th of March; that it does not appear that that body ever framed any Bill of Rights, but from the whole evidence, Father Ritchot would rather lead us to believe that some adviser of Riel and Riel together framed a new Bill of Rights, adding important clauses to the last one. The evidence states that that body elected under the circumstances which you have heard witnesses state, undertook to legislate, and that a Bill was introduced about cutting hay, a Bill about public works, a Bill about constables, and a Bill that the members of the Convention should be paid five dollars per day. Whether they passed into law or not, whether they received the final sanction of the Convention, does not appear. It does not say whether it was necessary for the President to give his sanction, whether he had the power of voting or not. The delegates received commissions as they have been called, or letters of commission, that is credentials as delegates to present the Bill of Rights to the Ottawa Government; they were informed of their appointment long before, and because they were selected by the Convention, which for the sake of perspicuity we will call the Convention of the 25th of January. The paper they received was a document called a commission, and it stated that they were appointed by the Provisional Government to proceed to Ottawa; it was over the signature of Thomas Bunn as Secretary of State. The letter given to Archbishop Taché on his arrival at Ottawa states that he was made a special commissioner to the people of the North-West. In speaking of his commission I say I shall keep within the words of the official papers themselves, and it is but right that I should say to you that the documents from the Government at Ottawa to Bishop Taché and with which he was invested, and also to Mr. Smith and Vicar-General Thibault, and Mr. De Salaberry, were addressed to the people of the North-West, and to no Provisional Government. They did not recognize the existence of any body of men as being in the position in which the Government were treating them at all, still it is all but right to say this remark applies as well to the official documents relative to the delegates as to the official documents I have already mentioned. Still at the same time in the letters, some of which in the official papers are replies from the delegates and from Archbishop Taché, the Archbishop assumed the position that there was a Provisional authority in the North-West, but the Government in replying to them never in the slightest degree admitted that position. The event of the 4th March took place while this state of things was continuing, but you should know that when Bishop Taché left Ottawa he came to the people of the North-West. When Archbishop Taché came here, this deed we are now investigating had not taken place. When the Archbishop left Ottawa according to the letter, he had not the slightest conception that any such deed had been committed. You must also bear in mind that those who held despotic sway were then in possession of the generous intentions of the Canadian Government and the Imperial Government to the people of the North-West, and that the people were more isolated than they are now. Misinformation might then have reasonably existed, but that

cannot be said after Mr. Smith's arrival, the arrival of Vicar-General Thibault and Mr. DeSalaberry, that cannot be said to be the case, for the very theory of the British North America Act guarantees to the people the same rights as the people of the other Provinces who were banded together in the confederation. Now, gentlemen, it is for you to decide, it is for you to say from the evidence in the witness box whether or not the physical power guarded by certain leaders was under the circumstances a justifiable organization. If so could they plead that they were supported by the majority of the settlers in the settlement? Did the people assemble and delegate power to establish a Government and to create a one-man power? If it is necessary for you to determine that question, how must you answer it? If you determine it in the affirmative, where is the evidence to be found upon which that verdict rests? But, suppose you did, was it not a Government that should be governed by the law? If so, I ask you was it governed by the law of the land? We have heard that not one solitary thing had been done towards repairing roads and bridges. Was that Government elected for the purpose of interrupting carts and travellers on the road, to force and seize and expropriate private and public property from the owners and appropriate it to themselves? Was the Government a shield to the innocent, an avenger of the guilty? If only one of their acts was in accordance with British law and organization, I fail to see it. From the evidence does it not appear that this man said, "We have guns, we have men under command, and our will shall be law of the land and the terror of the community?" Say, gentlemen, if you can call it by courtesy a government? Do you mean that they can put to death one solitary individual without cause or trial? If one, why not two? If two, why not ten? If you can justify one bloody deed, if they had taken out the whole forty-eight would you have justified that slaughter? Instead of keeping poor old Hallet for a month with irons on his hands and feet, with only a buffalo robe, with no fire for a month, torturing him in that way—if you can justify that, you could justify them had they taken out poor old Hallet and shot him. I ask every rational man if the logic is not irresistible, if they had a right to kill the one, would they not have been equally justified in shooting the whole forty-eight prisoners? I shall now dismiss this branch of the charge to you. Hitherto I have been reasoning with you on what has been called the *de facto* existence of the Provisional Government, but I tell you that no organization can be set up as a justification for an act not sanctioned by British laws. Besides being a *de facto* Government, it must be a Government *de jure*, that has a legal basis. This is a very broad distinction. The settlement of Red River or Rupert's Land was under the protection of the laws of Great Britain, and the constitution and the laws cannot tolerate any organization that has not its sanction and its authority, but any revolt or organization of that kind cannot be set up as a justification for the excuse of sovereignty. The Queen by her Council must recognise the independent and absolute existence of that organization; the Governor General with all his Council could not do it; the House of Commons in England could not do it; the House of Lords could not do it; both of them could not do it. It could only be done by the Queen herself acting under her responsible advisers in England, and therefore this organization cannot set up its organization in a British Court of justice as a justification; they must produce the sanction of Her Majesty to that organization. Therefore, gentlemen, in the investigation of this case I charge you that you are simply to look at the fact of the killing, the parties engaged in that killing; if it were done deliberately, then I charge you that the parties engaged in killing are murderers. I say a killing contemplated beforehand—that in law is murder. It is said that to make a homicide murder, it must be done in malice; that is the technical expression; the meaning is that any act that is done deliberately and with intention to take away human life in law is done maliciously. It does not require any personal ill will, but it means that if it was done designedly, that human life is to be destroyed, it does not require any manifestations of malice, such as we

ordinarily call it. The books give an illustration like this. Suppose a man were to shoot recklessly his gun into a crowd, killing someone; that would be murder because he did it sedately, and death ensuing, the party would be called a murderer. I repeat then, gentlemen, that after all that has been said, whatever opinion you may form in respect of that organization, whether you say it was a one-man power or whether it was a definite Government or not, whatever you may call it, I repeat in so far as you or I am concerned, it can have no influence or weight in determining this question whatever. It may have hereafter, but it can have none now. This is why I permitted the learned Counsels every latitude, so that the prisoner might have the benefit of it hereafter, but in so far as you or I am concerned, it must have no influence one way or other in the disposition of this case. I will now proceed to speak of the first part of the proposition, whether or not there was a homicide, and whether or not the prisoner at the bar is guilty of that murder. I did think of reading over the entire evidence, but it is so voluminous that it would take nearly a week; I will, however, refer to the evidence of one or two of the most important witnesses. I will read the whole of the evidence if you think that it is necessary. (The jury here intimated that it would be just as well to read only the evidence of what His Lordship considers the most important witnesses.) I must make an observation with reference to aiders, abettors and accessories. When several are acting together and a felony is committed, it is not necessary that all should be directly acting in that felony. For example, in the robbery of a house one person stands at a distance keeping watch on the road, one at the gate, and one enters the house and commits the robbery; all act together to accomplish the same purpose, all are equally guilty. In the consideration of this case, if the prisoner agreed along with others that Scott should be put to death and killed, whether he agreed to it or not if he assented to it, and agents were employed to execute that determination, if the prisoner were near enough by to assist, he is just as guilty as if he fired the guns himself. Now, I state this to you, and the oath that binds—binds you to make that decision according to law. I tell you what the law is; if that were not the law, what would be the consequence? Men would commit murder or felonies and employ agents to execute their designs, being always within reach if necessary to accomplish it themselves, yet escape the responsibilities of the evidence. We now come to the consideration whether or not the party is dead. All of the witnesses who speak of the occurrence of 4th of March agree substantially as to their statements; there is in fact no contradiction. They all agree that Scott was taken out on the east side of the Fort wall, that guns were fired at him, that some of the balls pierced him, that blood flowed, that at least all agree that two bullet perforations appeared on the body, one on the breast and one a little higher up, some speak of a third that grazed the shoulder. Mr. Young says he observed perforations in the coat at the back, and that it was some distance down from the shoulder, so that apparently the ball passed from out of the back. Most of the witnesses agree on the first firing, that there was a cry or a shout as if a man was hurt; that he was on his knees and fell forward, his hands being tied behind him; that they all agree that at that time there were indications that life was not extinct; that a man named Guilmette got a pistol in some way and shot it at Scott's ear; there was a kind of quivering sensation following that shot, and that the body fell down more prostrate; witnesses both for the prosecution and the defence say that the body was put in a rough box; one man says that the man that was taken up collapsed like a sleeping man. It is agreed by all that the body in this box was carried into the Fort near the bastion. Many witnesses say, some for the prosecution and some for prisoner, that noises were heard from that box. I have no recollection that some of the witnesses saw any blood flowing from the last wound, some saw it on the snow, some speak of it on the face or ground, but one witness for the prisoner who had carried in the box says he did not observe any blood at all. They carried in the box, that was in the afternoon of the 4th of March, on a

Friday. Mr. Young, in this connection, says immediately after the shot he asked Riel for the body; he hesitated and finally declined giving it, but after that he saw at the box Goulet and Guilmette; one of them, Guilmette, said, "If you want this body, go and get a sleigh and take it away." He said he would be glad to do so if he would be permitted, but he did not get it. He went to parties in town to use their influence to get the body for Christian burial, he was informed that if he could get the guarantee of the Bishop of Rupert's Land that no demonstration would be made, he would be permitted to get the body. Bishop Machray went with him the next morning, they saw Riel and informed him of the request that had been made for the body and the conditions. Riel appeared to be embarrassed; he said the Adjutant-General would not permit it; he insisted upon it that as Adjutant-General he had a right to dispose of the body. The witness says he implored Riel that he wanted to give satisfaction to Scott's mother by giving her son the last rites of Christian burial. When he mentioned the name of the mother of Scott, the witness says that Riel seemed to be distressed. He said he was sorry that he could not grant his request, the Adjutant-General had insisted that he had a right to dispose of the body. It would appear from some of the witnesses that the box with the body was carried into the eastern bastion. One witness, Hupe, says that Scott was not dead, that he put his ear close to the box and heard the expression, "I say, I say." One of the witnesses for the prosecution says that while he was standing near the eastern bastion, he heard a sound that appeared to be in the bastion where this body was supposed to be; the expression was something like, "O Lord! O Lord!" In the same connection there was a person said he heard similar sounds proceeding from the bastion. On Saturday night, or near it, they dug a hole near Dr. Cowan's house said to be; a grave. It was said that Scott's body in the box was put in that hole and was buried. In all the cross-examination I do not recollect that any one was present when that box was put in the ground, and one has stated on oath that the body was in the box when it was put in the ground. On Saturday night or Sunday morning at two o'clock, a witness states that he was on guard near the eastern gate. He says it was very dark, and a cutter drove to the gate from the court yard, a large cutter in which were three men; one of them spoke abruptly, "Open the gate;" he gave no countersign, but spoke out hastily, "Open that gate;" he says the man was Goulet from his voice. He did not see anything in the cutter, it was too dark to see anybody in it; they dashed through the gate and drove towards the Assiniboine. There was ice on the river, and sleighs could pass up and down the river. After the troops came here, Mr. Young and some other persons obtained permission to open the grave and get the body of Scott; they opened the supposed grave, and found the box, but there was no body in it. From the 4th of March down to this poor Scott has never been heard of. The body dead was within the power and disposition of the prisoner and those acting with him. They have given no account of it, and a letter is put in signed by the prisoner as an official document. This is dated the 3rd of January, 1873, at St. Vital, signed by Riel and Lepine. In that letter allusion is made to something, and it will be for you to say what that allusion refers to: "Seeing that punishment long deserved could alone restrict this excited man, and in order to secure the full triumph of our intentions, we had recourse to the full authority of government."

It being one o'clock, His Lordship left the chair for one hour.

Before recess I was reading to you as a last item of the evidence of Scott's death, a statement over the hand of the prisoner, in which he alluded to the affair of the 4th of March. He couples Scott with something that was done on the 4th of March. What was it? Now the prosecution laid before you these several facts and circumstances to convince you that Scott died from what was done to him on that occasion, and that he is now dead. The circumstances as given to you in evidence as to the cutter have afforded the means by which the

body was disposed of. The prisoner and his confederates had the body in their charge after it was shot, and made away with that body so that it cannot be found. They cannot escape this responsibility : if the body is now living, did not cease to exist at that time, who should know it, who in all the world were better informed than the prisoner ? Was the body thrown into the ocean and weighted with chains, or disposed of by cremation, or in any other way so dissipating it that it cannot be found, it never will release the prisoner from the responsibility of murder. I will leave that question of fact to be taken in connection with the statement made by the prisoner under his own hand. Assuming Scott to be dead, is the prisoner so connected with his death as to render him responsible for it ? I have to tell you that the killing of a human being done at leisure or designedly is murder, that any other person aiding and abetting in that killing sedately and designedly is guilty of murder. Now, gentlemen, when was this killing, and when was it intended ? John Bruce says that about fifteen days before he saw Scott shot, he was at the Fort, and saw the Adjutant-General, the prisoner. He asked him when he was going to liberate the prisoners. The prisoner replied, " Before long ; we will shoot a couple of them before we do it." He says that when the Schultz prisoners were taken, he asked the same question about the liberation and received the same reply ; he thought he was answering jocosely, not seriously, as he (Bruce) thought it was so shocking for any one seriously to say in earnest. The next thing we hear is what Michel Dumas says ; I had better read his own words : " I was a soldier in the Fort ; saw Scott two or three times, knew him by sight ; I heard Scott was to be shot about a week previous to the shooting ; I heard it from the poor such as I am ; some quiet people like myself heard it from those moving about the Fort, and they told me that it was said Scott was to be shot ; I did not hear of any charges against Scott." Then it appears, if we can believe the witnesses, that they had been talking of this in the Fort, having in their hands the power of killing Scott, and that he was to be shot at least a week before the event took place. The other person who states this is Joseph Nolin. He says, in speaking of the court martial, or whatever you call it, " I was first to hear of it. I heard of it about 3 o'clock of that day from Riel himself." He was not asked the question whether he had heard whether anything was to take place, but he heard about 3 o'clock that this convocation of the prisoner and others was to decide the fate of Scott. The prosecution would have you informed from this statement that the killing of Scott, if he were killed, was not only a deliberate but a long-premeditated matter. I will take you now to the night before Scott was shot. Murray swears that at night, between 8 and 9 o'clock, it was after dark at any rate, on the very night of the afternoon that Joseph Nolin swears that Scott was to be tried, Riel, O'Donohue and the prisoner came into the guard-room, in the building where the prisoners were confined, and in the room where Murray was warming himself at the stove ; he says Riel spoke to him abruptly, and said, " Who are you ? Are you a Canadian ?" He said he replied, " I am one of that party ; Scott's room was in the north-west angle of the building ; ours was in the south-west angle. After that I went into our room and shut the door and looked through the keyhole. I heard an uproar at Scott's door, as I thought the door was in charge of a guard. I heard Scott say, ' I want to get out for a call of nature ;' the guard refused to let him go out, and shut the door ; after a little I heard another uproar, the door was again opened, Riel then went to the door. Scott then said, ' I want to go out ;' some discussion took place ; Scott said then he wanted to be treated civilly, Riel replied that he did not deserve to be treated civilly, and called him a dog. Still Scott persisted in going down-stairs, a scuffle then took place, in which Riel joined. The door was shut ; Scott did not go down." It is important to bear in mind that Murray says that it was in the evening about 8 or 9 o'clock, and the prisoner and O'Donohue were seen with Riel. Now, I ask you what were the object of those three men there that night at that time ? When Nolin says that it had been determined to try Scott, was it for the purpose of getting into a

difficulty with one or two of the prisoners, to get an excuse to justify the act? Have you heard from the whole of this trial, or did you ever hear one solitary excuse for doing what was done? The next thing we hear is the evidence of Joseph Nolin, which must have commenced immediately after the scuffle at Scott's door. His evidence in this: "I reside at Point de Chene since the summer of 1869. During the winter of '69-'70 I resided at St. Boniface; I have known the prisoner for a long time; I was one of the party at that time at Fort Garry; I went there in January, and left in May; at the time I went, it was the Provisional Government who had possession, and when I left, it was so called; Riel was President, the prisoner was Adjutant-General, George Goulet was Lieut.-General; there were captains by the name of Baptiste Lepine, Joseph Delorme, André Nault, Ritchot and Lajmoniere. I did not know O'Donohue; I was secretary to the prisoner; there were some prisoners taken in February; I heard there were prisoners in the Fort; I heard there were prisoners there before the Portage prisoners, and I know where the Portage prisoners were kept; they were kept under guard; I knew Thomas Scott; I knew him to be one of the Portage prisoners; he was kept in the same building as the rest; my duties as secretary to the prisoner were to attend to the Council of Captains; I kept an account of the stores; towards the spring they were written, and orders for the Captains were made by the Adjutant-General; I wrote them out and delivered them to the Captains; these orders were written daily by the prisoner; I did nothing except by the orders of the Adjutant-General; the soldiers were paid in goods and provisions. On the evening of the 3rd of March, Scott was tried by a council of war—the same evening that Murray describes what took place in the guard-room. The prisoner presided at the council. There were at the council acting Ritchot, André Nault, Elzear Goulet, Elzear Lajmoniere, Baptiste Lepine, Joseph Delorme. I was secretary of the council. On the evening of the 3rd of March the meeting was for the purpose of trying Scott, to examine what evil he had done. (The Judge here remarked parenthetically that one cannot help being reminded of an event that took place 2000 years ago, "To see what evil he had done.") Scott was not present at the examination. There were some witnesses examined who saw what Scott had done. Riel was one, Ed. Turner was another, Joseph Delorme was another. I think there were others. These witnesses were examined by the Captains who composed the council. While the witnesses were examined, Scott was not present. The witnesses were sworn by me; I do not remember what evidence was given; Scott was accused of having rebelled against the Provisional Government and of having struck a captain of the guard; there was only one who made a speech, viz: Riel; I remember he spoke against Scott; after the evidence, Scott was brought before the council; Riel asked me to read to Scott what had passed before the council; I did not read anything, as I had taken only notes; then Riel explained to Scott himself the evidence which had been given before the council in English; he was then condemned to die; Riel told Scott before he left the room that he must die; after Riel had explained the evidence to Scott, he asked him if he had anything to say; Scott said something, I do not know what; Riel did not ask him if he had any witnesses; no written accusation or charge was given to Scott; the taking and giving of evidence, the bringing in of Scott, the speech of Riel, his explanations to Scott, the decision of the council and condemnation were all done within two or three hours; the council commenced its sittings between 7 and 8 o'clock and concluded their labors at one sitting." Now, gentlemen, you take the evidence along with that of Murray who says with Mr. Young that it was very short work. If the witnesses are to be believed, no formal resolution was recorded of the condemnation. Nothing formal was written down that evening. "I took some notes in pencil of the proceedings. The notes in pencil I refer to were notes of the evidence. The next day I transcribed these notes. I gave them to the Adjutant-General (the prisoner.) The first motion for death was moved by G. Ritchot, seconded by André

Nault, Goulet and Delorme voted yea along with the mover and seconder. Lajemoniere voted that it would be better to exile him. Baptiste Lepine voted nay. Ambroise (the prisoner) said the majority want his death and he shall be put to death. Riel explained to Scott his sentence. Riel asked Scott if he had no request to make, if he wanted to send for a minister; I do not know what answer Scott made to Riel; Riel said if he wanted a minister, if he was at the Stone Fort he would send for him; Riel said he would take his shackles off, and would send him to his room; he would have pen, ink and paper to write; he told him the next day he would be shot; Scott was then taken to his room; Scott was handcuffed when taken before the council; I saw the prisoner the next morning about 8 o'clock; the prisoner came to my room and asked me to write a *procès-verbal*, that is a minute of what passed before the council; I did what was required; Riel examined the minute and said it was not formal." (To the Jury)—Does it suggest itself to your minds that Riel and the prisoner were in communication, because Nolin in his evidence says that Riel called once that morning about the process? "The prisoner called and I gave it to him that morning about 8 or 9 o'clock; he called for the minutes twice; it was shown to Riel who remodeled it in form; I rewrote and then the prisoner called for it; I gave it to him; I saw Scott that morning going out of the gate." (The remainder of what Nolin saw was read by His Lordship.) I have read the evidence of Joseph Nolin, who lays the most complete foundation for this prosecution. If you believe that evidence, if you believe what he says is substantially true of what did occur on the night of the 3rd and the morning and noon of the 4th of March, I tell you as a matter of law that the prisoner is guilty of the murder of Scott. Upon you rests the responsibility of determining the truth, and there is no escaping from the conclusion if the evidence be true, that the prisoner at the bar is guilty of that murder. That evidence is everything that the law requires to constitute evidence. He presided at the council of the men who deliberated and decided that the man Scott should be shot. He was a consenting party who interested himself in the act or in respect of it in the morning. He was either inside the Fort or outside the Fort. He was not one of the firing party that shot their guns at Scott, but he certainly was within such distance either within or without the Fort to lend his own hand to the commission of the deed. I tell you that a person in that position is guilty of the accusation charged against him.

This is not all of Nolin's evidence. He was cross-examined very fully. "After I saw Scott I went up within three paces of Scott's body; the only thing I observed was a kind of a scratch on the upper part of the left shoulder; I think it was the left; at the time I went up to the body the box was inside the Fort; I had seen it previously to my going out; the box was brought out to the little gate; where the box was I saw some persons, two or three, carrying that box; when the box was brought to the corpse I believe it was put in the box and taken inside the Fort; I am not sure that I saw the body put in the box; I did not see the box after it was carried into the gate; Modeste Lajemoniere was often seen by me in the Fort; I don't know where the body or box went afterwards." The cross-examination substantially confirms Nolin's examination in chief. Gentlemen, I tell you that the conclusion and the whole proceeds were commenced and finished within an hour or two. They gave no patient hearing or investigation on a charge of rebellion against that despotic government of guns, powder and lead, and the fact is proved by Nolin that no proof was given of that rebellion. Nolin says in his evidence that it was not proved that Scott had taken the oath not to fight against Riel, that no evidence of that was given at all, and it is said that it could not be denied that he broke out of prison and went to the Portage. It is not proved that he had taken up arms for the purpose of opposing the movement at all. The evidence is that after being in prison for a while, he broke out and went to the Portage and joined his party for the release of the prisoners. That liberation having been already done, he was

returning peacefully to his home. As to bringing a charge of striking a captain, I have stated to you what Murray says. Whatever may have been his offence, they had no right to put him to death, and if the evidence is to be believed, he was one of the most innocent men in the world. Take the evidence of Modeste Lajemoniere, who says that he saw Scott from the attic window of Dr. Cowan's house. He looked and saw Scott pass out of the gate. He says a man by the name of Guay was with him (Lajemoniere); at that moment while he was at the window he turned around and saw Riel and the prisoner. One of them made use of the expression, "Then in God's truth they are bringing him down," or words like these. He does not say which of the two men uttered them. He says, "I left the prisoner and Riel in the attic and came down and went to the southern gate until all was over. I then went to the little gate." His Lordship here explained what might be considered an apparent inconsistency between the statements of the Rev. Mr. Young and others and Modeste Lajemoniere to the effect that after Lajemoniere had come down-stairs and gone to the south gate, Riel and Lepine could have descended and gone out by the eastern gate, as it would take them only a moment. That Riel was there, every witness of the matter swears to be a fact. Several witnesses saw the prisoner there also. But, gentlemen of the jury, it makes no difference whether he was outside or inside, if he deliberately consented to the death of that man, and was assenting to the execution being carried out, he is just as guilty as if he fired the whole six guns himself, certainly much more than the six men who had been made drunk before they could sum up courage to commit that slaughter, because you see that every witness speaks of the men being more or less tipsy, and one of the witnesses states that Guilmette was so drunk that he sank down. Can it be possible that the prisoner and those acting with him could not get six executors without first blunting their intellectual and their moral senses by giving them whiskey and strong drink? As I told you I am going over to repeat the evidence. You must always mind this that several persons looking at the same occurrence, one will see one thing and one will remark another thing, and when they come to describe what took place, one will say he saw one thing, and one will say that he saw another thing that actually did take place, while one did not see what the other saw. It is a very common circumstance, and it does not apply only to the sense of sight, but also to that of hearing. A person may talk and hear words quite within the power of your hearing, but if your attention is directed to something else, you will not hear a word. In that way, of course, an apparent conflict of evidence, both for the prisoner and against him, is entirely swept away. You would suppose that unless a person came here to perjure himself, that the man who says that he actually spoke to the prisoner near Scott, François Charette, and saw the prisoner and the pistol, and that the prisoner told him to go into the Fort, that he had no business there, and he was even pressed by a kick, you would think that unless the man wanted to perjure himself grossly, you would feel disposed to believe what he states. I repeat to you there is no conflict of evidence. The main question is, did the prisoner sit on that judgment, sit when that *coterie* of persons were there that night? Did he say, "The majority want his death and he shall be put to death?" Was he around with those men the next morning? Was he within reach of that execution that took place? I do not care what he was doing. If he never came down from the attic, he is just as guilty as if he had fired the shots himself. There is no misunderstanding the way in which I lay down the law. If I am wrong I can be set right, but if you go astray the mishap is irreparable. Now, gentlemen, divest yourselves of any other aim or object but the truth. Is Scott dead, and did he come to his death by reason of what happened on the 4th of March, during the day or during the night, and is he now dead? And here I must call your attention to the admissions of the prisoner in his own letter. They have a bearing upon the question. Then, if he is dead, did the prisoner act along with those individuals who said he should

die or he shall die? Is that the truth or is it not? Did he look on and see that sentence carried out? If he did; if you believe that—and you are bound by your oaths—then, I tell you, the prisoner at the bar is guilty. If you believe that Scott is living, or if you believe that the prisoner was not at that council, did not look on and say that Scott was to be executed, then of course you will say the prisoner is not guilty. Both in the interests of the prisoner and in the interests of public justice, you should come to a conclusion one way or other. There should be no disagreement of a jury in a case of this kind. One does not well see how there can be a disagreement. All human opinion must come to one or other of these conclusions. Now, gentlemen, in conclusion, let no unjust consideration influence you. I charge you in the most solemn manner to allow no considerations of the opinions of the world, or any persons whatever, to have any influence on your minds or on your judgments, but balance all that has been said to you, both in the witness box, by the counsels, and by the Court, and then recall the solemn oath you have taken. See that you are not only deciding for yourselves, but for the future of your children and of your country, and that for if you are accountable to the Great Being to whom we all owe our existence. Balance in your minds all these circumstances, facts, and statements, and hold the scales as if you were on the brink of eternity.

The jury retired at half-past four o'clock. At seven o'clock they returned with the verdict—"Guilty, with a recommendation to mercy."

The Court then adjourned, His Lordship having occupied five hours and a half in delivering his charge.

After the verdict, the following motions against sentence being pronounced, were presented by the prisoner's counsel, Mr. Chapleau, and filed :—

I.

Motion on behalf of prisoner that sentence be not pronounced against said prisoner, according to verdict of murder found against him by the Jury in the case; but that such verdict be declared null and void, and set aside, and judgment in the case arrested for following reasons, to wit :

1. Because the Jury was directed by the Court that no evidence had been produced on behalf of the prisoner, that the prisoner, at the time he presided at the Court Martial that tried and sentenced the man Scott, was acting in the regular exercise of his functions as the Adjutant-General in the Provisional Government of Assinibola—the said Government having been recognized by Her Majesty's representatives in this country—whereas such evidence was offered and produced.

2. Because the said Jury were instructed by the Court that no evidence could be received on behalf of the prisoner of the actual and regular recognition, by the Dominion of Canada and Her Majesty's representative, Sir Clinton Murdock, and His Excellency the Governor-General of Canada, of the said Provisional Government of Assinibola, of which the prisoner was an officer on the 4th of March, 1870, by the negotiations and verbal pledges given by those high officials to the Delegates of the said Provisional Government.

3. Because the Court directed the Jury that the existence and authority of the said Provisional Government of Assinibola was never recognized by the people of the Red River settlements at the time when the prisoner was acting as an officer of that Government.

4. Because the Court directed the Jury that the documents signed on the 5th April, 1870, by William McTavish, the then Governor of the Hudson's Bay

Company and President of the Council, being a written agreement between the said William McTavish and Louis Riel, the President of the said Provisional Government, was no legal evidence of the existence and authority of the said Provisional Government.

II.

Motion on behalf of prisoner that sentence be not pronounced against said prisoner according to verdict of murder found against him by the Jury of the case—that the said verdict be declared null and void, and set aside, and judgment in the case arrested for following reasons, to wit :

1. They could have no legal jurisdiction to try, hear and determine upon the alleged crime of prisoner.

2. That it appears that the offence of which prisoner is accused was not committed within the jurisdiction of this Court.

3. That in empannelling the Jury to try issue on this case, the names of the Jurors were not called alternately from each of the English and French list in the order in which the names of the Jurors stand on said list, inasmuch as the name of Peter Harkness, *alias* Peter Harkut, he being one of the Jurors whose names were in the French list, was immediately called after the name of Joseph Berthelet, whose name stands on the said French list.

4. Because often the list of Jurors purporting to be the French list, having been gone through and exhausted by the challenges of the defence and the orders to stand aside by the Crown, the Court, instead of calling again the name of the first Juror remaining unchallenged on said list, as required by law and practice, directed the name of Duncan McDougall, which stood the thirteenth in the said French list, to be called, and allowed there and then the Crown to challenge peremptorily the said Duncan McDougall as one of the Jurors of this trial, and the Court after the name of the said Duncan McDougall had been so called and challenged, proceeded and directed to call the name of Moise Goulet, which stood the second on the said French list, the counsel for the defence having at the same time objected to this mode of calling the Jurors.

CHAPLEAU & ROYAL.

WINNIPEG, October 28th, 1874.

WEDNESDAY, NOVEMBER 4th.

After routine His Lordship Chief Justice Wood in passing sentence made the following remarks. (Owing to the discourtesy and officiousness of Mr. Sheriff Armstrong of Winnipeg, who refused to permit a shorthand reporter to occupy a position within hearing, the remarks of His Lordship were not taken down at the time, but were afterwards kindly furnished by a gentleman who happened to take some notes.)

THE SENTENCE.

After the prisoner had been asked if he had anything to say why the sentence of the Court should not be passed on him, and his counsel, Mr. Chapleau, had read a memorandum containing certain legal objections which His Lordship overruled, His Lordship, amidst the most profound silence and with emotions which he with difficulty suppressed, proceeded in a measured and solemn tone :—

Prisoner, you stand convicted of having, on the 4th of March, 1870, at Fort

Garry, in that portion of Rupert's Land which has since become the Province of Manitoba, murdered Thomas Scott. An unlawful, ordinary homicide is a startling and shocking occurrence in a civilized and Christian community at any time, but the killing of Scott is taken out of the category of common homicides. So dreadful and so horrible was it that even those who at first felt disposed to sympathize with the cause of the insurrectionary movement would not believe it possible until the dark deed was perpetrated. The knowledge of it sent a thrill of horror throughout the Dominion of Canada and the civilized world, and struck the hearts of the settlers of Red River with shuddering terror; and although now over four years have passed away, that crime is still regarded by the people of Red River and the Dominion of Canada with unabated abhorrence; and not a solitary individual has ever dared to speak or write a single sentence, I will not say in justification, but even in extenuation, palliation, excuse or apology of its enormity; and the evidence given on your trial, instead of relieving, has added to and increased the dark shadows surrounding that awful tragedy. A jury, the majority of whom are natives of Red River, for two weeks have patiently listened to all that could be said in your defence. Your counsel, most sympathetic, learned, able and eloquent gentlemen, have done all that could be done in your behalf. In your defence they were allowed the widest latitude; but to the credit of human nature and to the honor of the profession be it said, during their entire defence they had not one syllable in justification or apology to offer for the awful crime of which you have been convicted. They did for you all that great ability and great eloquence with the greatest liberty of defence could accomplish. The question of your guilt or innocence was fairly left to that jury by the Court — your counsel having taken no exception to the charge. That jury have pronounced you guilty; and I must say I do not well see how they could have done otherwise. Indeed I do not believe twenty respectable French *Métis* can be found in the whole Red River Settlement who would not have come to the same conclusion—and who do not now approve of the verdict of that jury—whatever native Canadians may say in respect of it. You can claim no consideration on the ground of ignorance or misapprehension. Père Ritchot swears he advised you and others of the risk and the danger you incurred in the movement in which you and your *cofrères* were engaged. Long prior to the commission of this offence, you had before you the Proclamation of the Governor-General, issued by the order of the Queen, forgiving you and your associates in treason all you and they had done up to that time; *provided you returned to an observance of the laws and obedience to the lawful authority of this land*. You were assured by official documents under the hand of the Governor-General and proceeding from the Privy Council of Canada, that all possible grievances, if any existed, should be redressed; that the most generous and liberal policy towards the inhabitants of Red River should be pursued in dealing with the North-West Territories, and in thus carrying out the policy of the Empire — that all their possessory and other rights should be respected; — in short you were informed that the Imperial measure of uniting Rupert's Land and the Indian Territories to Canada had been conceived as much in the interests of the population of Red River as in that of Canada and the Empire at large. To enforce those views and to render conviction of their truth irresistible, gentlemen of unquestionable integrity and such as must have commanded your confidence and that of the misguided men over whom you assumed to exercise control, or with whom you were associated in your unreasonable and unlawful rebellion to the constituted authority of the country, were sent to you as special commissioners. For what was done by you and your associates from that time onward, whatever may be said as to what was done prior thereto, you and your associates stand before the world without a shadow of excuse or justification. You would not heed the warning—you would not listen to what you knew was the truth. You imprisoned, and I may say from what has been disclosed on this trial, tortured those innocent of even

actively opposing your mad proceedings. You robbed Her Majesty's loyal subjects of their property and plundered wherever you could do so with impunity. And, lastly you crowned the long catalogue of your crimes with the slaughter of Thomas Scott for no other offence than loyalty to his Queen. But it is not my province to say anything by which one additional sting should be added to that remorse which in all charity it is to be hoped you now experience for the past. I have made these remarks to prepare you for what I now say to you, that I dare not hold out any hope that mercy will be extended to you for the crime of which you have been convicted. In my heart of hearts I pity your wife and children, your relations and friends. They must keenly feel your situation. Had you taken the advice of your brother Baptiste on that fatal evening of the 3rd of March, you would not now be where you are. It is one of the inevitable consequences of crime to involve all relations and connections in its punishment, and knowing this, it alone should have arrested you in your mad career. *You did not spare poor Scott.* You did not think of, or if you did, you did not regard his poor old mother or his relations. Where his ashes repose you may know, but we do not. Whether his body was made away with so as not to be found, to be set up as a defence as has been done on this trial, or because it was so mangled and mutilated that even you were ashamed it should ever be seen, is unknown. What was done with Scott's body you must know. Taking all the facts in the evidence together, well might the ever-to-be-lamented Sir George E. Cartier, in a private and confidential communication to Lord Lisgar, say, "*The killing of Scott was an excessive abuse of power and cruel brutality.*" The jury have recommended you to mercy. All the exceptions taken by your counsel, together with the entire evidence and proceedings and the recommendation to mercy, will be transmitted to the Secretary of State for Canada and by him laid before His Excellency the Governor-General in Council. In addition to that your counsel will have an opportunity of presenting to the Executive any considerations they may think advisable outside the record. I have but one course left open for me, and that is to pronounce on you the final sentence of the law. I have made the day of your execution more distant than I otherwise might have done in consequence of the distance and the length of time necessary in communicating between Manitoba and Ottawa; and to give you ample opportunity for self-examination, for reflecting over your past life, and for preparation for the awful change which awaits you. You, unlike Scott, will not be forced to prepare to leave this and enter the invisible world in a few short hours. When the Rev. Mr. Young came to you like an angel of mercy and with streaming eyes begged you to spare Scott's life only for a few short hours, to enable him to meet his God, you inhumanly denied and refused his request with a brevity and emphasis in keeping with every act surrounding this human butchery. After Scott's death this same messenger of Heaven, bathed in tears, went to Riel along with the Bishop of Rupert's Land, and humbly implored Riel to give him the body that he might give it the last sad rites of the Church, intimating that he was about to write to his poor old mother the untimely death of her son, and that it would be consolation to her to know that her son had received Christian burial. Even his heart softened under this appeal. But you, he declared, claimed that you had the disposition of the body and utterly refused to surrender it for burial. To all entreaties to spare life for a brief period before death, and to give up the body for burial after death, you were alike inflexible. Search the annals of the barbarous tribes which for centuries have roamed over the vast prairies of the North-West, and in them you will fail to find a parallel in savage atrocity. There is no spirit of vengeance in these proceedings. It is the triumph of law over the unbridled audacity of crime. As this, in all probability, is the last opportunity I shall ever have on earth of addressing you, I thought it my duty, however painful it might be, to address these plain and candid observations to you that you might realise your true position and prepare to meet your God. The sentence of the law upon you is

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The largest and best stock of Livery Rigs and Horses in the City or Province. Requirements met at all hours, night and day.

FIRST-CLASS TURN-OUT A SPECIALTY.

Orders may be left at the STABLES, or at the Office of the EXCHANGE HOTEL.

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**Correspondents:—Bank of Montreal; First National Bank, St. Paul;
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LIVERY STABLE,

IN REAR OF THE ROYAL HOTEL,

NOTRE DAME STREET EAST, WINNIPEG, MAN.

The subscriber begs leave to inform the public that he can supply all who may require it with the BEST RIGS to be found in the City or Province. Patronage respectfully solicited.

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FLAT BOAT AND COMMISSION STORE,
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DEALER IN

Flour, Feed, Groceries, Provisions, Boots and Shoes,
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Proprietors of the Winnipeg Meat Market,
OPPOSITE MERCHANTS BANK,
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Always on hand the best stock that the season and the country afford. A liberal reduction made to regular customers. We make it a specialty to keep a choice assortment.

Mathew Davis, GENERAL BLACKSMITH AND JOBBER,

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MILL WORK & IMPLEMENTS OF ALL KINDS NEATLY REPAIRED.

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The GERALD HOUSE is now conducted by us on the most modern and approved style. In connection with our establishment are EXTENSIVE STABLING FACILITIES for those needing them. The GERALD HOUSE will be found a Farmer's Home in all essential particulars. Patronage is respectfully solicited.

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Harness, Saddles, Bridles, Whips, &c., always on hand.

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A. & F. GINGRAS,

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(Opposite the Site of the Old Parliament Buildings.)

Importers and Dealers in Dry Goods, Groceries and General Merchandise.

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DAVID EDE,

Dealer in Italian and American Marble Monuments,

HEAD STONES, TABLETS, MANTLETS, &c.,

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Livery Stable,

W. H. HARVEY, Proprietor,

LOCATION IN THE REAR OF W. H. LYON'S,

Just a little West of Central Main Street,

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Stock unequalled; splendid Rigs. Orders attended to night and day. First-class Turn-out a specialty.

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PORK, BACON, HAMS, FLOUR & FEED,

IN THE NEW BRICK BUILDING, NORTH OF THE "OLD STAND,"

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Undoubtedly the best assortment ever offered for sale in the country before, and the largest, choicest and most varied stock in Winnipeg.

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W. H. LYON,

WHOLESALE AND RETAIL DEALER IN

DRY GOODS, CLOTHING, GROCERIES,

Wines, Liquors, &c.,

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JAMES HENDERSON & CO.,

DEALERS IN

Gents' Furnishing Goods,

READY-MADE CLOTHING, HATS AND FURS,

MAIN STREET,

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SHAVING AND HAIR DRESSING SALOON,

McGUIRE & DUMAS, Proprietors,

(NEXT DOOR TO CITY HALL.)

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THE BEST ESTABLISHMENT NORTH-WEST OF ST. PAUL.

A good and efficient staff constantly employed. Particular attention being paid to the latest styles. Shaving, Hair Dressing and Shampooing done in the most approved and artistic styles.

HOURS, FROM 8 TO 8.—SATURDAY EVENINGS UNTIL 11.—CLOSED ON SUNDAYS.

Always on hand Cigars, Fancy Articles of all kinds, Finest Oils in the Province, all kinds of Perfumery, Toilet Articles of all descriptions, Hair Brushes and Italian Cosmetics.

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Real Estate Investment,

HOUSE AGENTS & AUCTIONEERS,

HAVE FOR SALE

A large number of Good Farms

IN EVERY PART OF THE PROVINCE,

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AT PRICES WITHIN THE MEANS OF ALL.

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**GROCERIES, WINES,
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Guinness' Porter, Bottled.

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Bitters, Orange, Augustina,
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Gin, DeKuyper, Bolt & Dunlop,
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Wines, Choice Port, Sherry,
St. Cecile, Ginger Wine and
Sauterne.

Champagnes.

French and Italian Fancy Groceries.

GRAND CENTRAL HOTEL, WINNIPEG, MANITOBA.

The GRAND CENTRAL is well worthy the attention and patronage of the first-class travelling and commercial public. It has a frontage of 150 feet on Second Street (three stories high), and 100 feet on Chambers Street, commanding the most interesting

VIEW OF THE CITY OF WINNIPEG

for miles above and below the Fort.

Being centrally located near the Post Office, Business Houses, Banks, etc., renders it the most desirably situated Hotel in Winnipeg.

The long experience of the subscriber in hotel life in Canada and in the United States is a sufficient guarantee, at least, to his numerous friends and acquaintances, that the Hotel will be kept in a manner to secure the comfort of its guests and the patronage of the travelling public.

The Hotel is furnished throughout in a superior manner, and everything is arranged with a view to the comfort of the guests.

The Office, Dining Rooms, Wash, Billiard, Bar, Closets and Cloak Rooms are on the Ground Floor.

The Billiard Room

Is under the able management of Mr. D. W. CRONN, from Chicago, late of the firm of J. M. Brunswick, Balk & Co.

N. B.—The house is thoroughly new in every respect.

In connection with the House is a **Commodious Livery Stable.**

R. H. CRONN, Proprietor.