

fact.—The course I propose to pursue is precisely that which was taken
 “ in the last case. I shall first read the evidence without any comment
 “ whatsoever, so that you may have, clearly and distinctly, the whole
 “ of it before you, and after having so done, I shall endeavour to point
 “ out certain parts which, in the judgment of the Court, make *against*;
 “ and also certain parts which make *for*, the Prisoner, and then, with-
 “ out further observation, shall leave the whole case to your ultimate
 “ decision.”

The evidence was read to that part of *Faille's* (page 299) which relates the conversation with the *Swan River* brigade, and its difference with the testimony given by *Des Loges* (page 309) was thus pointed out —“ He (*Des Loges*) represents that it was the Prisoner who made the enquiries, while *Faille* as fully establishes that it was some other person, though he cannot say *who*, because he repeatedly says that Mr. *Archy* was with them, but that he does not know whether he heard what passed, which clearly manifests that (according to his statement) it was not *M'Lellan* who put the questions.” Having reminded the Jury that to decide between the credibility of opposing testimony rested with them, it being the duty of the Court merely to point out what suggested itself as important, the Chief Justice resumed the reading of the evidence. Upon the directions “ to burn the canoe” (page 302) and whether any, and what reason was assigned for so doing, it was remarked that his statement differed materially from *La Pointe's*, although they agree that both were present, (page 305) whilst *Michel Martin's* account opposed theirs altogether. (page 325.) A similar contradiction relative to the papers and their destruction was noticed, the one swearing, (page 302) the papers were taken out of the box by *De Reinhard* who put them into the Prisoner's tent, another giving completely a different account, (page 305) whilst *Martin* asserts that there was a fire before the *bourgeois* tent that night. (page 324.) The reading the evidence was concluded with only a remark, that *Martin's* evidence in favor of the Prisoner, (page 324) was in strict accordance with one of the principal witnesses for the Crown, (page 303) that the canoe being too much loaded was assigned at the time as a reason for not taking *Keveny*.

The Chief Justice intimated that it was his duty to place before the Jury, the particular bearings which presented themselves to the Court; as calculated to assist them in forming a correct decision, but not with the most distant intention of dictating, as the verdict must be *their* free and unbiassed decision, and continued thus:—

The entire case, gentlemen, resolves itself into a question of *credibility*, and the guilt or innocence of the Prisoner depends, upon the degree of credit you attach to three witnesses, viz: *Faille*, *La Pointe* and