

Owen Keveny. This, if true, was undoubtedly a criminal offence; but a criminal offence of a nature altogether different, whether looked at in a moral or legal point of view, from that wherewith the prisoner was charged, and of which he is convicted. It made of him an accessory to the murder of Owen Keveny, after the fact—Mainville was alone liable to expiate by his blood, the blood of Owen Keveny. The prisoner, as his offence was less, so also would have been the punishment inflicted by the law. And it perhaps will be thought, that three years imprisonment is a sufficient punishment for the offence, if it were committed.

Next, as to the declaration, "I am entitled to the largest share, &c." No principle is better established, than that a confession made under the hope of a reward, or the fear of loss, is not entitled to credit. Now this confession, if made, had for its immediate motive, the hope of reward. The prisoner claimed, it is said, a larger share of the goods of Owen Keveny than the others; and supported this claim by asserting, that it was he who killed Owen Keveny. Without this assertion his claim would have been immediately rejected. It was then made with a view to obtain reward; and that reward was the principal share of Owen Keveny's goods. Again, if a confession so obtained, could be taken as evidence that the prisoner had killed Owen Keveny, it affords no light as to the manner of the killing. But upon this depends the innocence or guilt of the prisoner.

The prisoner continued his route to his usual residence, Lake La Pluie; and there appears to have been nothing in his deportment, or language, or conduct, to induce a belief that he thought he had been guilty of any crime. And this leads us to the third and last branch of the evidence.

Many days before the alledged death of Owen Keveny, it was known to the prisoner that the Earl of Selkirk had entered the Indian territories, at the head of a military force, had captured Fort William, and had arrested the Honourable William M'Gillivray, and the other partners found there, and had sent them prisoners to Montreal. The partners and servants of the North West Company, were uniformly represented as rebels and murderers. Soon after, Captain D'Orsonnens, who had served in the same regiment with the prisoner, being then at Fort William, sent forward one Nolin and one M'Donald to Lac La Pluie, with orders to detain the prisoner. They carried with them also, a note from Captain D'Orsonnens to the prisoner, requesting or ordering the prisoner to wait the arrival of Captain D'Orsonnens.

After the receipt of this note, Nolin saw De Reinhard walking in the room, who said he was much surprised that Captain D'Orsonnens wanted him to give information about the Red River. Captain D'Orsonnens arrived three or four hours afterwards, and he walked with the prisoner out of doors. Captain D'Orsonnens wore, at this time, an old military grey great-coat, and had his sword by his side. The force commanded by Captain D'Orsonnens consisted of seventeen discharged soldiers, of the regiments Glengary, Meuron and Watteville; and eighteen Canadian voyageurs. The soldiers, it is admitted, were armed, had cannon, and were encamped in sight of the fort which Captain D'Orsonnens had just entered. A confession is alledged to have been made, under these most peculiar circumstances by the prisoner to Capt. D'Orsonnens and in the absence of every other person. As the subsequent confessions of the prisoner are but consequences of this first confession, and but a conti-

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