

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

"His Honor Mr. Justice Richardson.—Have you not done that already?"

"Mr. Lemieux.—I have perhaps to the satisfaction of the Court, but perhaps others may not be so well satisfied.

"Mr. Osler.—If you do not go any further we will withdraw our objection.

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

"His Honor Mr. Justice Richardson.—The objection is not urged until you had gone as far as the counsel for the Crown thought you ought to go.

"Mr. Lemieux.—It is rather late now to object.

"Mr. Osler.—I warned my learned friend quietly before.

"Mr. Lemieux.—Well, I will put the question and it can be objected to.

"Q.—Will you say if the state of things in the country, the actual state of things in the country, in 1832, 1833 and 1834, and if to-day the state of things is the same as in 1832, 1833 and 1834, if justice has been done to the claims and just rights of the people?"

"Mr. Osler.—That question must be objected to; it could not have had anything to do with bringing the prisoner here. I object first as a matter of opinion; second, that it is a leading question, and third, that it is irrelevant to the issue.

"Mr. Lemieux.—The most important objection is that it is leading. As to the opinion of the witness, I should think his opinion is valuable; it is facts I want from the witness; I suppose he can give his opinion based on the facts. If he says no or yes, I will ask him why, and he will give me his reason why.

"His Honor Mr. Justice Richardson.—That will be a matter of opinion.

"Mr. Lemieux.—I will put the question and you can object to it.

"Q.—Do you know if at any time the Dominion Government agreed to accede to the demands made by the half-breeds and clergy, relative to the claims and rights you have spoken of in the preceding answer?"

"Mr. Osler.—I do not object to the question, if confined to a date prior to the 1st July, 1834; the time he was asked to come into the country, although the question is really irregular. I am not going on strict lines, but I do object to his asking as regards the present state of things. I do not object if he confines his questions to the time prior to the prisoner's coming to the country.

"Mr. Lemieux.—My question will show that the prisoner had reason to come. If the people had confidence in him, he had a right to come and help them to try and persuade the Federal Government to grant what had been refused them so far.

"His Honor Mr. Justice Richardson.—Your question is what, Mr. Lemieux?"

"Mr. Osler.—I am willing that the question should be allowed if limited to the time prior to July, 1834.

"His Honor Mr. Justice Richardson to Mr. Lemieux.—Is that the way to put it?"

"Mr. Lemieux.—Yes.

"Mr. Osler.—Then we withdraw the objection."

In view of the confidence which we may fairly feel in the tribunals of this country until a case is established on the other side against any of them, I am glad to say, for the purpose of answering a charge directed against the fairness of this tribunal and on such slight grounds, that these grounds are totally annihilated by the very page from which the hon. gentleman read. Let me call the attention of the House to one other point with regard to the fairness of the trial, which strikes me as absolutely conclusive. That is, that if there had been an unfair ruling in that trial from beginning to end, either on the application to postpone, or on a question of evidence, or on any part of the judge's charge it would have been laid open by the prisoner's counsel, on their appeal to the Court of Queen's Bench in Manitoba. The prisoner had an advantage which no man has who is tried in the older Provinces. He had a right to appeal to a bench of judges sitting in another Province, far removed from the agitation in his own country, an appeal on every question of law and fact involved. Every lawyer knows that a prisoner in the Provinces has only these chances of appeal: He has his chance of a writ of error, to bring up defects shown by the record, and as regards any objections to the evidence or to the rulings of the judge, the judge may himself decide whether he shall have an appeal or not. Louis Riel was not in that position. He had the right to bring before the bench in Manitoba every question of law or fact that arose on his trial, and when he took that appeal he was represented by the best counsel, I suppose, that this Dominion could have given him, and yet not a single exception was taken to the fairness of the trial or the rulings of the judge. The prisoner took this additional step, which is a very rare one in connection with criminal justice in this country—he applied to Her Majesty to exercise the prerogative by which Her Majesty, by the advice of Her Privy Council, is able to entertain an appeal in a case connected with criminal jurisprudence from any one of Her subjects in the Empire; and how is it that in the petition that was prepared, to enable the prisoner to take the judgment of that high tribunal, which had to make its report to the fountain of justice itself in the British dominions—how is it that neither the prisoner's counsel, nor himself, nor his petition, nor anything said or written in his favor, urged a single objection to the fairness of the trial, the rulings of the judge at that trial, or the way in which the judge had directed the jury? I should suppose, Sir, that that was exceedingly significant. We were told, the other night, that the judgment of the Privy Council said nothing about the procedure of the trial—that it was silent on that point. The significance of that silence is all we want. When a man has a full opportunity to appeal, and takes his appeal, and makes no complaint about the fairness of a ruling, which would have given him his liberty if he could establish its error, I want to know if we need any more than his silence and the silence of the able counsel by whom he was advised and represented, to satisfy us that exceptions were not taken in the highest court of appeal in the Empire for the simple reason that they did not exist. I have another piece of testimony with regard to that, if that were not conclusive, as I should suppose it would be, and that is this: The *Regina Leader* of August 13 contained this statement of what took place immediately after the trial:

"The counsel for the defence, Messrs. Fitzpatrick, Lemieux and Greenshields, waited on Judge Richardson before they went east, and thanked him for the fairness and consideration which had characterized his rulings."

Notwithstanding the statement which was made by an interviewer of a Montreal paper, and which was read to this House a few evenings ago, I hesitate to believe that Mr. Lemieux actually changed his mind