

exception of Father Touse, who was unable to leave his parish for some reason, every witness in the North-West Territories desired by the counsel for the defence attended at the trial. If any person's attendance was not secured, it was not due to the slightest hesitation on the part of the Crown as regards expense or anything else. After making this statement I think we are not open to the imputation made by anyone, no matter how blinded he may be by prejudice, that the trial was unfairly conducted. I am glad to be able to say, with respect to the delay which was granted for procuring those witnesses, that Mr. Fitzpatrick, in court, after this understanding was arrived at, made this statement:

"May it please your Honor,—I, on behalf of the defence, assume the responsibility of accepting the delay which, as stated by the Crown counsel, the Crown is prepared to offer us."

"Mr. Justice Richardson.—I think it is reasonable."

"Mr. Fitzpatrick.—I think it is a reasonable time. I might, perhaps, have stretched a day or so, but not beyond that, because the means of communication are very quick now compared with what they were, and a witness can be got from Quebec, &c."

Yet, Sir, after that statement appeared in the public prints, a motion of censure has been advocated on the ground that it was dishonorable to refuse the prisoner a fair delay for the preparation of his trial, and one member said it was so base an outrage that men like Mr. Robinson, Mr. Osler, Mr. Casgrain and Barblidge would not have descended to such a cruelty unless they had received special instructions from the Government. I was curious to know what his real estimate of his professional brethren was, for whom he professed so high a respect. He thought they were Christian gentlemen, he thought them professional men of high honor, he thought they would not descend to an act of tyranny, an act of outrage against an unfortunate man struggling for his life, unless, forsooth, they had been told to do it by the Government. If those gentlemen were willing to do at the bidding of the Government what would be so reprehensible, they could not deserve the high character which the hon. gentleman has given them. He must have entertained the opinion of his professional brethren which an English essayist did some time ago, when he said with regard to the tradition that counsel was bound, if he took a brief and was paid a fee, to do even dishonorable things for the benefit of his client, "it comes to this: that a man may do for a guinea what he would not do without it for the world." The next objection was that there was no sufficient interpretation of the testimony. I have only to say that the report of the trial shows, and the answers which have been given me upon that point by the counsel for the Crown, show, that at every stage of the case there was the best interpretation that could be got in the country. It was not for the Crown to provide an interpreter for the defendant's witnesses; it was enough for the Crown to pay the expenses, and the Crown did so. It was not for the Crown to select the interpreter; the choice was left to the prisoner's counsel. But such interpreters as the counsel produced were used, and when there was a complaint made that the interpretation was not strictly accurate, our counsel said: "There is a gentleman retained on each side who speaks the French language; you interpret the evidence of our witnesses and we will interpret the evidence of yours." There could be no unfairness in the interpretation, because there was on both sides a gentleman speaking the French language, and the slightest inaccuracy of interpretation would have been checked. With the exception of one instance, there was not a complaint made about the interpreter, and then it was removed as well as was possible. Then we were told that it was unfair that the Batoche papers were kept back from the prisoner. Now, those papers were not kept back in the ordinary sense of the word. Any paper which was demanded by the counsel for the defence would have been produced, and none were asked for by either of them. The application which was made was for a mass of papers captured at Batoche—not Riel's papers alone, but papers affecting the interests of eighty prisoners who were then in custody on a charge of high treason; and the demand was: "Give us at the trial of the first of those prisoners, all these papers; let us ransack all the evidence against the eighty others," and I think the House will readily understand that for other reasons than the one which was insinuated—that those papers might have developed something against some Minister of the Crown—they were withheld from an indiscriminate search on the part of gentlemen representing the defence, who were not in a position to call for any particular document or any particular set of documents, but simply wanted to search all through the papers in the possession of the Crown. I would ask those who have had experience in the prosecution of cases for the Crown, whether they can know of such an application being granted at the instance of the counsel for the defence, who said to the prosecuting counsel: "Give me before the trial begins an inspection of the whole of your brief. All your documents, every paper of every kind representing your side of all your cases for the term?" Then, Sir, it was said—and I need hardly, after the observations of the hon. member for West Durham, have referred to this point, and will simply dwell on it for a moment—it was said that there was an unfair exclusion of testimony. It was said, when Judge Richardson remarked that the evidence of a constitutional agitation was no justification of an unconstitutional agitation, and when the question was decided in favor of the Government, the passage in the blue book was held up to observation and quoted loudly, that the objection of the counsel for the Crown was: "Why, you are putting the Government on its trial." The hon. member for West Durham said: "Why should not the Government be put on trial?" Well, Sir, one at a time. The trial then going on was the trial of Louis Riel, and I should be ashamed to say a word or to cite a line of authority to show that evidence relating to the conduct of the Government in relation to the land grievances in the North-West would not be admissible evidence in the prisoner's favor. But the hon. gentleman, when he referred to page 110, and read the expression—(I see it was made by the judge)—"it would be trying the Government," unfortunately forgot to read to the House what followed. It was unfortunate for the confidence which we would feel in his quotations hereafter in regard to this question, for if he had read further he would have shown that the counsel for the Crown disclaimed any mere attempt to shield the Government by that objection. Mr. Osler said:

"It is, as it were, a counter claim against the Government, and that is not open to any person on a trial for high treason. We have no desire to unduly limit my learned friend, but I cannot consent to try such an issue as that here."