

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