

nish a foreigner for an offence committed in a foreign country. If therefore Cadien be not a subject of our Sovereign, he cannot be punished by the Queen's authority, for an offence committed without the pale of Her Majesty's dominions.

Cadien was convicted on the evidence of one witness, (Jourdain), whose testimony does not appear to me as satisfactory as it ought to be in a case of life and death. Jourdain was sworn upon the Gospel, yet it does not appear that he is a christian. His account has some strange features; I will use a translation of his own words. (See page 3).

This is the whole of Jourdain's evidence upon which I beg leave to make the following observations :

1. Jourdain, according to his own statement, knew the atrocious design of Cadien and Lagraille.—Why, then, did he not warn the intended victims of their danger? If Jourdain and the young Hare Indian had joined the six Indians in the lodges, they would have stood eight against four: Why was not this done or attempted to be done?

If Jourdain was adverse to the murder, it is difficult to explain his conduct. If he consented to the murder, it is equally difficult to give the least credit to his evidence. 2. Jourdain says that Cadien attempted, every evening, to kill the young Hare Indian while the party was proceeding to the lodges. He says that even before his departure from Fort Normand, Cadien said he would kill the Hare Indian: He says in his evidence in chief that, on the night of his arrival at the lodges, he went to bed and afterwards heard Cadien and the Indians speaking. Yet on his cross examination he says he heard no conversation after going to bed, that he went to bed without any uneasiness: Nay, when asked why he had not resisted Cadien and Lagraille, he affirms that he had not suspected such a thing as the murder of the Hare Indians, which murder he had nevertheless prevented the day before if we believe him. 3. Jourdain might be convicted of murder by the evidence of any one of the persons to whom, at the evening dance near Lake Puant, he boasted of having killed one of the Hare Indians. 4. It appears from Jourdain's evidence that Lake Puant lies west of the Rocky Mountains. Now the countries, west of the Rocky Mountains, are left open to American as well as to British Traders, as appears by the Imperial Statute.