

I need not cite authorities for that. The hon. member for West Durham himself appreciated his position as a lawyer too well to urge that contention, and stated candidly to the House that evidence with regard to the grievances was properly rejected at the trial. No other decision could have been arrived at, and the expression of the law on the point could not have been better put than it was put by Mr. Richardson, who said:

"It is no justification, in the trial of a prisoner charged with an unconstitutional agitation, that he made a constitutional agitation at any other time."

For that reason only the Crown counsel declined to order the attendance of Mr. Vankougnet and Mr. Burgess, and we have the admission, which it was necessary for any professional man having a sense of honor to make to the House of the hon. member for West Durham (Mr. Blake), who stated that evidence like that was inadmissible at the trial. I have shown that, with the exception of the two witnesses from the Department to prove that which would not have been evidence, and with the exception of the three witnesses for whom an amnesty, and not a subpoena, was asked, Crown counsel pledged themselves to summon all the witnesses for the defence and pledged themselves to pay them. We shall now see how far they carried out that duty. For the purpose of showing the House that this matter, which is urged as an element of unfairness in relation to the trial, was never submitted to the tribunal at all, never came before Judge Richardson to pronounce judgment upon, I will read from the report in the *Globe* of July 30th what, as I have related, took place after counsel had arrived at that understanding. In regard to the proposed adjournment for a month, counsel for the Crown—Mr. Christopher Robinson, Q.C.—announced to the court the understanding that had been arrived at. He said:

"All those witnesses who are in this country can be got in week just as well as in a month, or a year. The Crown will do more. The Crown will join with my learned friend in telegraphing to those three gentlemen who are at Quebec and those three gentlemen who are at Prince Albert. I desire that to come from the Crown as well as from them and the Crown will pay their expenses."

"Mr. Fitzpatrick to the Justice.—I read the Order in Council as conferring very limited powers. However, that difficulty is all obviated by the offer made by the Crown."

The counsel for the defence withdrew this matter from the consideration of the Court, having arrived at an understanding with the counsel for the Crown; and I propose to state to the House what was done in the discharge of that agreement so arrived at, because the case, I admit, is all the worse if, after having withdrawn that application from the consideration of the court, they did not fairly and honorably fulfil the obligation they had undertaken. On the 21st July, 1885, the Deputy Minister of Justice sent this telegram from Regina to Drs. Clark and Howard:

"You are required here on Wednesday next as witnesses for the defence on Riel's trial. Expenses will be paid by Crown."

Mr. Lemieux and Mr. Burbidge sent the following telegram to Dr. Roy:

"Yourself, Vallée and Charles Vigneollette required here Tuesday, 23th, as witnesses for defence—Riel's trial. Accept this as a warning, and please warn Vallée and Vigneollette. Expenses paid by Crown."

Dr. Roy telegraphed back on 22nd July, thus:

"Dr. Vallée sick; unable to go. Dr. Clark, Medical Superintendent of Toronto Asylum, will replace him under same conditions and go if asked. Tell Lemieux and answer immediately."

To which answer was made as follows:—

"Lemieux sorry that Vallée cannot come, but cannot help it. Clark has been summoned. Will expect yourself and Vigneollette as warned."

On the same day, 22nd July, Dr. Howard telegraphed to Sir John A. Macdonald for confirmation of the telegram, and said: "If all right will go up at once." But Dr. Howard, in consequence, as it is stated by the hon. member for Montreal (Mr. Curran), of infirmity of health, felt unable to undertake long journey alone; and requested that a fee of \$500 should be paid him. The member for West Durham (Mr. Blake), says he regrets that, in consequence of that, the Crown refused to procure his testimony. The hon. gentleman was not aware, of course, of the explanation which I am about to give him, but I am sure he will withdraw, at least, that condemnation of the Government, after I make him acquainted with what was actually done. Although Dr. Howard declined to go unless he was paid \$500, and so notified the Department of Justice, the Minister, instead of declining to pay that fee, placed the matter before the counsel for the defence. This was my predecessor's telegram:

"Dr. Howard declines to go for less than \$500 cash down. Will prisoner's counsel be satisfied with anyone else, or shall I pay him the money and start him off."

"ALEXANDER CAMPBELL."

To Sir Alexander's telegram the following telegram was sent to Ottawa for the purpose of giving Dr. Howard his reply. It was sent after consultation with the counsel for the defence and with their full concurrence:

"Defence do not ask Crown to pay any such fee. Please let Howard know that if he will not come for the fees allowed by law he need not come."

So the House now has the information with respect to that demand for \$500—that we even offered to pay that fee, and start Dr. Howard off, if the counsel for the defence required him, and the answer was received that they did not desire the Crown to pay the fee. I shall not detain the House by reading a mass of correspondence for the purpose of showing what was done in relation to other witnesses. In regard to the witnesses in the North-West Territories, by a series of telegrams sent all over the country and summonses served by the mounted police, the attendance of all witnesses there, desired by the defence, was secured, and secured at the expense of the Crown; not merely were the expenses of the witnesses paid by the Crown, but the expense of having them summoned and telegraphed for, and every other expense in connection with the matter was defrayed by the Crown. All those witnesses, with the