Chancery was not a court of criminal jurisdiction. It had not, now, and never had, the power of taking cognizance of processes of outlawry. Hon. members were aware that the Court of Queen's Bench, and that court alone, had jurisdiction. In all countries processes of outlawry were taken before the Court of Queen's Bench.

Sir JOHN MACDONALD — They never are.

Mr. McDONNELL explained that he meant that the Court of Queen's Bench originally had cognizance of all matters of crime.

It being six o'clock, the House rose for recess.

——:++:——

AFTER RECESS.

Mr. MACDONNELL (Inverness) said that since the House rose he had referred to the criminal statute of 1869, and he found that the process of outlawry was recognized by that statute, which being passed after Manitoba was united to Canada, extended to that Province. That being the case the next question was whether the proceedings in outlawry had been regularly taken. He contended that was not a question for this House at all, because the House must act upon the maxim that what was done by a public official must be presumed to be rightly done until the contrary is proved.

Mr. FLESHER said he had listened attentively to the debate, but there were still one or two points he was not quite clear upon. The Minister of Justice had not met the argument of the member for Cardwell to the effect that the machinery for carrying outlawry into operation was defective, and that the proper formalities had not been observed. Surely this was a matter that the House should take cognizance of. Supposing a case was brought before a magistrate, it would be his duty to inquire whether the case was one which should properly come before him, and whether the warrant was regularly made out. If this was done in small matters, how much more necessary was it for the House to follow the same principle in dealing with so grave a matter as the expulsion of a member on the ground of outlawry, especially when it was remembered that the House was acting *ex parte* in the matter. Supposing that this sentence of outlawry should be set aside subsequently what position would the House be in after having declared that the outlawry was valid and had expelled RIEL on the strength of it. There was no reason why the course proposed by the Premier should be taken in preference to the course taken last session.

Hon. Mr. HOLTON said hon. gentlemen opposite had argued that there was no machinery for giving effect to outlawry in this country. Chief Justice WOOD sitting judicially had declared LOUIS RIEL to be outlaw in a judgment which was now before the House.

Hon. J. H. CAMERON—No, no! That is a mistake. The Chief Justice has nothing to do with the judgment of outlawry. All that he had done was to certify that the record was the record before the court.

Hon. Mr. HOLTON—It is quite clear that a machinery for this purpose has been found and has been certified to by the Chief Justice sitting in his judicial capacity.

Hon. J. H. CAMERON—No.

Hon. Mr. HOLTON went on to say that the whole scope of the argument on the other side was that the Chief Justice was wrong, and that this House was sitting as a court of review upon the action of the court in Manitoba. He maintained that they must accept the judgment of the court for Parliamentary purposes. If the party interested felt aggrieved, and if there were these irregularities that had been pointed out, he could seek redress from the courts; but for all Parliamentary purposes they had ample evidence that LOUIS RIEL had been declared an outlaw, and the effect of that declaration was to void the seat. He would not go into the political aspect of the case; he simply desired to point out what he believed to be the only question before the House namely; the sufficiency and the authenticity of the judgment of outlawry for the purpose of governing their action. Whether the proceedings were regular or irregular, it was quite incompetent for the House to decide. With all his respect for the legal abilities and Parliamentary experience of the hon. members from Kingston and Cardwell, he would not accept the doctrine of either of them as to the regularity or irregularity of the proceedings, the net