

die or he shall die? Is that the truth or is it not? Did he look on and see that sentence carried out? If he did; if you believe that—and you are bound by your oaths—then, I tell you, the prisoner at the bar is guilty. If you believe that Scott is living, or if you believe that the prisoner was not at that council, did not look on and say that Scott was to be executed, then of course you will say the prisoner is not guilty. Both in the interests of the prisoner and in the interests of public justice, you should come to a conclusion one way or other. There should be no disagreement of a jury in a case of this kind. One does not well see how there can be a disagreement. All human opinion must come to one or other of these conclusions. Now, gentlemen, in conclusion, let no unjust consideration influence you. I charge you in the most solemn manner to allow no considerations of the opinions of the world, or any persons whatever, to have any influence on your minds or on your judgments, but balance all that has been said to you, both in the witness box, by the counsels, and by the Court, and then recall the solemn oath you have taken. See that you are not only deciding for yourselves, but for the future of your children and of your country, and that for if you are accountable to the Great Being to whom we all owe our existence. Balance in your minds all these circumstances, facts, and statements, and hold the scales as if you were on the brink of eternity.

The jury retired at half-past four o'clock. At seven o'clock they returned with the verdict—"Guilty, with a recommendation to mercy."

The Court then adjourned, His Lordship having occupied five hours and a half in delivering his charge.

After the verdict, the following motions against sentence being pronounced, were presented by the prisoner's counsel, Mr. Chapleau, and filed:—

I.

Motion on behalf of prisoner that sentence be not pronounced against said prisoner, according to verdict of murder found against him by the Jury in the case; but that such verdict be declared null and void, and set aside, and judgment in the case arrested for following reasons, to wit:

1. Because the Jury was directed by the Court that no evidence had been produced on behalf of the prisoner, that the prisoner, at the time he presided at the Court Martial that tried and sentenced the man Scott, was acting in the regular exercise of his functions as the Adjutant-General in the Provisional Government of Assinibola—the said Government having been recognized by Her Majesty's representatives in this country—whereas such evidence was offered and produced.

2. Because the said Jury were instructed by the Court that no evidence could be received on behalf of the prisoner of the actual and regular recognition, by the Dominion of Canada and Her Majesty's representative, Sir Clinton Murdock, and His Excellency the Governor-General of Canada, of the said Provisional Government of Assinibola, of which the prisoner was an officer on the 4th of March, 1870, by the negotiations and verbal pledges given by those high officials to the Delegates of the said Provisional Government.

3. Because the Court directed the Jury that the existence and authority of the said Provisional Government of Assinibola was never recognized by the people of the Red River settlements at the time when the prisoner was acting as an officer of that Government.

4. Because the Court directed the Jury that the documents signed on the 5th April, 1870, by William McTavish, the then Governor of the Hudson's Bay