

been raised to secure the attendance of the said witnesses for the defence, who are material and necessary, and without whose evidence we cannot proceed to trial.

5. Some of the facts intended to be proved by such witnesses, are that the accused for several years was insane, and had to be confined in a lunatic asylum in the Province of Quebec, and would get deranged; also, the circumstances under which the accused left his home in Montana, and came to this country, at the solicitations of his friends, in the year one thousand eight hundred and eighty-five; the nature of the agitation in the North-West, and the constant advice given by the accused to limit the agitation to constitutional means and peaceful measures; the desire expressed by the accused to leave the country in the month of February last passed, and the objections of the people to his returning to Montana aforesaid; that the alleged rebellion was commenced and conducted under the direction of a council of fourteen persons, of which council the prisoner was not a member; and that he did not participate in any engagement or commit or countenance any overt act of treason.

6. These facts can be proved by Gabriel Dumont, Michel Dumas, Napoléon Nault, Dr. Roy, of Québec, Dr. Clark, of Toronto, and Dr. Vallée, of Québec, whose attendance at the trial I verily believe can be secured, if sufficient time for that purpose is granted to the defence.

(Signed),

C. FITZPATRICK.

Sworn before me, at Regina, this }
21st day of July, 1885. }

(Signed),

DIXIE WATSON, *Clerk.*

REGINA, tuesday, July the 28th, 1885.

The Court met at ten o'clock a.m.

MR. OSLER opened the case to the Jury.

The witnesses were then called as follows:

DR. JOHN H. WILLOUGHBY, sworn, examined by Mr. Robinson.

Q. You are a medical man?—A. Yes.

Q. Where are you practising?—A. At Saskatoon.

Q. How long there?—A. I have been there since two years last May.

Q. How far is Saskatoon from Batoche?—A. About 50 miles.

Q. Do you remember going to Batoche about the 16th March last?—A. I do.

Q. Did you go alone?—A. No, I was accompanied by.....

Q. By whom?—A. A half-breed named Norbert Welsh.

Q. And at what house did you go to stop when you got to Batoche?—A. I stopped with George Kerr.

Q. Is that the Kerr Brothers?—A. Yes, at their store.

Q. Did you hear anything of any anticipated difficulty?—A. I did.

Q. Where?—A. I heard it at Mr. Kerr's store.

Q. How long did you remain at Batoche then?—A. Two days.

Q. You went on the 16th, when did you leave it?—A. I remained over the 17th and left upon the 18th.