

## THE OUTLAWRY OF LOUIS RIEL.

of the case should take place: Provided that in any case when the period limited for the commencement of the trial may have elapsed before the prorogation of Parliament at the end of the present Session, such trial may be commenced at any time within two months after such prorogation; provided further, that whenever three months have elapsed after such petition has been presented, without the day for the trial being fixed, any elector may, on application, be substituted for the petitioner on such terms as shall be just.

3. Section 29 of the Act secondly mentioned in the preamble to this Act is hereby amended by striking out the word "immediately," where it occurs in the sixth line of the said section, and inserting the words "within four days" in lieu thereof.

4. In case on the trial of any Election Petition under either of the said Acts, it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the Petitioner in the premises, the agent may be condemned to pay such costs; and the Court or Judge shall order that such agent be summoned to appear at a time fixed in such summons, in order to determine whether such agent should be condemned to pay such costs; If at any time so fixed the agent so summoned do not appear he shall be condemned on the evidence already adduced to pay the whole or a due proportion of the costs awarded to the petitioner, and if he do appear, the Court or Judge after hearing the parties and such evidence as shall be adduced shall give such judgment as to law and justice shall appertain; The petitioner shall have process to recover such costs against such agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs until after the return of process against such agent.

5. Whereas doubts have risen as to the proper construction of sections 78, 101 and 103 of the Dominion Election Act, 1874, and as to the effect upon Elections held under the said Act of the avoiding of previous elections, it is hereby enacted that elections held under the said Act, as well as elections already held as elections hereafter to be held, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact, to all intents and purposes whatsoever; except as to the personal acts of the candidates and the acts of agents of candidates, done with the knowledge and consent of such candidates.

6. The next preceding section shall also apply to Controverted Elections tried under the Controverted Elections Act, 1873, as to the effect upon the status of the candidate of the acts of agents done without the knowledge or consent of candidates, but no further or otherwise.

7. The sixty-seventh section of the said secondly recited act is hereby amended by striking out therefrom, wherever they occur, the words "and who is not a member of the House of Commons."

8. In every case of an election petition presented under the Controverted Elections Act, 1873, in which twelve months shall have lapsed since the said petition was presented, and it shall then be untried, the respondent may require, and the petitioner within six days after demand, shall give new security in accordance with the terms of the Dominion Controverted Elections Act, 1874, for the payment of all costs, charges and expenses that may become payable by the petitioner in respect of such petitioner.

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The case of Louis Riel, the would-be member for Provencher, the alleged murderer of Thomas Scott, has been discussed by the lay press *ad nauseam*, and in the House of Commons most fully, if not always well or wisely. For our part we shall be content to record for our readers, as a matter of historical legal interest, the "exemplification of the proceedings and judgment of outlawry of Louis Riel," as it appears in a return printed by order of Parliament. It is as follows:

*The Queen v. Louis Riel.*

WINNIPEG, February 10th, 1875.

SIR,—Judgment of outlawry on an indictment for the murder of Thomas Scott, at Fort Garry, on the 4th of March, 1870, was this day pronounced in open Court at Winnipeg against Louis Riel, and a record of the proceedings to judgment to outlawry, and the judgment was duly filed and enrolled in Court. The judgment of outlawry in capital cases amounts to a conviction of the crime of which the defendant is indicted as much as if he had been actually tried and found guilty by the verdict of a jury; and if the defendant be apprehended and committed to prison (and any one with or without warrant may take and deliver him to prison)