

there was no sufficient interpretation of the testimony. I have only to say that the report of the trial shows, and the answers which have been given me upon that point by the counsel for the Crown, show, that at every stage of the case there was the best interpretation that could be got in the country. It was not for the Crown to provide an interpreter for the defendant's witnesses; it was enough for the Crown to pay the expenses, and the Crown did so. It was not for the Crown to select the interpreter, the choice was left to the prisoner's counsel. But such interpreters as the counsel produced were used, and when there was a complaint made that the interpretation was not strictly accurate, our counsel said: "There is a gentleman retained on each side who speaks the French language; you interpret the evidence of our witnesses and we will interpret the evidence of yours." There could be no unfairness in the interpretation, because there was on both sides a gentleman speaking the French language, and the slightest inaccuracy of interpretation would have been checked. With the exception of one instance, there was not a complaint made about the interpreter, and then it was removed as well as was possible. Then we were told that it was unfair that the Batoche papers were kept back from the prisoner. Now, those papers were not kept back in the ordinary sense of the word. Any paper which was demanded by the counsel for the defence would have been produced, and none were asked for by either of them. The application which was made was for a mass of papers captured at Batoche—not Riel's papers alone, but papers affecting the interests of eighty prisoners who were then in custody on a charge of high treason, and the demand was: "Give us at the trial of the first of those prisoners, all these papers; let us ransack all the evidence against the eighty others." and I think the House will readily understand that for other reasons than the one which was insinuated—that those papers might have developed something against some Minister of the Crown—they were withheld from an indiscriminate search on the part of gentlemen representing the defence, who were not in a position to call for any particular document or any particular set of documents, but simply wanted to search all through the papers in the possession of the Crown. I would ask those who have had experience in the prosecution of cases for the Crown, whether they ever knew of such an application being granted at the instance of the counsel for the defence, who said to the prosecuting counsel: "Give me before the trial begins an inspection of the whole of your brief, all your documents, every paper of every kind representing your side of all your cases for the term?" Then, Sir, it was said—and I need hardly, after the observations of the hon. member for West Durham, have referred to this point, and will simply dwell on it for a moment—it was said that there was an unfair exclusion of testimony. It was said, when Judge Richardson remarked that the evidence of a constitutional agitation was no justification of an unconstitutional agitation, and when the question was decided in favor of the Government, the passage in the blue book was held up to observation and quoted loudly, that the objection of the counsel for the Crown was: "Why, you are putting the Government on its trial." The hon. member for West Huron, said: "Why should not the Government be put on trial?" Well, Sir, one at a time. The trial then going on was the trial of Louis Riel, and I should be ashamed to say a word or to cite a line of authority to show that evidence relating to the conduct of the Government in relation to the land grievances in the North-West would not be admissible evidence in the prisoner's favor. But the hon. gentleman, when he referred to page 110, and read the expression—(I see it was made by the judge)—"it would be trying the Government," unfortunately forgot to read to the House what followed. It was unfortunate for the confidence which we would feel in his quotations hereafter in regard to this question, for if he had read

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further he would have shown that the counsel for the Crown disclaimed any mere attempt to shield the Government by that objection. Mr. Osler said:

"It is, as it were, a counter claim against the Government, and that is not open to any person on a trial for high treason. We have no desire to unduly limit my learned friend, but I cannot consent to try such an issue as that here.

"Mr. Lemieux.—I do not want to justify the rebellion; I want to show the state of things in the country so as to show that the prisoner was justified in coming into the country, and to show the circumstances under which he came.

"His Honor Mr. Justice Richardson.—Have you not done that already?"

"Mr. Lemieux.—I have perhaps to the satisfaction of the Court, but perhaps others may not be so well satisfied.

"Mr. Osler.—If you do not go any further we will withdraw our objection.

"Mr. Lemieux.—I want to get further facts, not in justification of the rebellion, but to explain the circumstances under which the accused came into the country. If I had a right to prove what I have already proved a minute ago, I am entitled to prove other facts. If I was right a minute ago, I should be allowed to put similar questions now.

"His Honor Mr. Justice Richardson.—The objection is not urged until you had gone as far as the counsel for the Crown thought you ought to go.

"Mr. Lemieux.—It is rather late now to object.

"Mr. Osler.—I warned my learned friend quietly before.

"Mr. Lemieux.—Well, I will put the question and it can be objected to.

"Q.—Will you say if the state of things in the country, the actual state of things in the country, in 1882, 1883 and 1884, and if to-day the state of things is the same as in 1882, 1883 and 1884, if justice has been done to the claims and just rights of the people?"

"Mr. Osler.—That question must be objected to; it could not have had anything to do with bringing the prisoner here. I object first as a matter of opinion; second, that it is a leading question, and third, that it is irrelevant to the issue.

Mr. Lemieux.—The most important objection is that it is leading. As to the opinion of the witness, I should think his opinion is valuable; it is facts I want from the witness, I suppose he can give his opinion based on the facts. If he says no or yes, I will ask him why, and he will give me his reason why.

"His Honor Mr. Justice Richardson.—That will be a matter of opinion.

"Mr. Lemieux.—I will put the question and you can object to it.

"Q. Do you know if at any time the Dominion Government agreed to accede to the demands made by the half-breeds and clergy, relative to the claims and rights you have spoken of in the preceding answer?"

"Mr. Osler.—I do not object to the question, if confined to a date prior to the 1st July, 1884, the time he was asked to come into the country, although the question is really irregular. I am not going on strict lines, but I do object to his asking as regards the present state of things. I do not object if he confines his questions to the time prior to the prisoner's coming to the country.

"Mr. Lemieux.—My question will show that the prisoner had reason to come. If the people had confidence in him, he had a right to come and help them, to try and persuade the Federal Government to grant what had been refused them so far.

"His Honor Mr. Justice Richardson.—Your question is what, Mr. Lemieux?"

"Mr. Osler.—I am willing that the question should be allowed if limited to the time prior to July, 1884.

"His Honor Mr. Justice Richardson to Mr. Lemieux.—Is that the way you put it?"

"Mr. Lemieux.—Yes.

"Mr. Osler.—Then we withdraw the objection."

In view of the confidence which we may fairly feel in the tribunals of this country until a case is established on the other side against any of them, I am glad to say, for the purpose of answering a charge directed against the fairness of this tribunal and on such slight grounds, that these grounds are totally annihilated by the very page from which the hon. gentleman read. Let me call the attention of the House to one other point with regard to the fairness of the trial, which strikes me as absolutely conclusive. That is, that if there had been an unfair ruling in that trial from beginning to end, either on the application to postpone, or on a question of evidence, or on any part of the judge's charge, it would have been laid open by the prisoner's counsel on their appeal to the Court of Queen's Bench in Manitoba. The prisoner had an advantage which no man has who is tried in the older Provinces. He had a right to appeal to a bench of judges sitting in another Province, far removed from the agitation in his own country, an appeal on every question of law and fact involved. Every lawyer knows that a prisoner in the Provinces has only these chances of appeal: