We have now arrived at the legal stage of this matter—the trial and punishment of the chief offenders—men who have wilfully and without cause put the country to enormous expense, destroyed the property of its citizens, shed innocent blood, and created intense distress and suffering without stint or pity.

The principal Act to be looked at as regards the trial of Riel is 31 Vict. c. 14. Section 2 of this Act empowers the Governor-General to order a Militia General Court Martial to try a case like Riel's, supposing him to be, as it is said he is, a citizen of the United States; and section 3 applies this provision to a Canadian citizen or subject. Section 4 makes the offence a felony, punishable under ss. 2 and 3 by death, and it would be triable under the North-West Territory Act, 43 Vict. c. 25, ss. 75, 76, 77. In section 4 the word "Province" is used, and the offender may be tried in any county or district of the Province in which the offence is committed. Although the North-West Territories are not made a province expressly, yet the said Act and the Militia Act, 46 Vict. c. 11, are expressly extended to them (the North-West Territories) by 43 Vict. c. 25, so that Riel might probably be tried in any part of the North-West Territory by Court Martial; or if the Governor does not choose that he should be so tried, then he may be prosecuted and tried in any part of the North-West Territory for the felony, and if found guilty might be punished with death. In this case the trial would be by stipendiary magistrate and justice of the peace and a jury of six under the 43 Vict. c. 25, ss. 75, 76, with an appeal under sec. 77 to the Queen's Bench in Manitoba, which court could confirm the sentence or order a new trial, but could not alter the sentence. The mode of proceeding as to such appeal is to be governed by "ordinance of the Lieutenant-Governor (of the North-West Territory) in Council." Whether such ordinance has been made we are not aware.

It might be thought too late to make any such provision now in Riel's case (if it has not been done), though there would seem to be no real objection, if nothing but matters of form were affected, and not the evidence or punishment or liability of the accused.

This supposes the trial can only be by a stipendiary and justice of the peace, subject to the appeal to the Queen's Bench, but *query*, cannot the Governor-General, representing the Queen, appoint justices of gaol delivery at any place in the North-West Territory, and so send up one or more judges, making them for the nonce stipendiary magistrates; justices of the peace they would be, though perhaps not for the Territories, but they could be made so. The Revised Statute of Ontario, chap. 41, treats the appointment of judges of gaol delivery as a prerogative of the Crown and so does the Revised Statute of Manitoba, chap. 38, and it does not seem that any special statutory provision is required where English law prevails, as it does throughout Canada in criminal cases. If they acted as judges of gaol delivery their judgment might not be subject to appeal under 43 Vict. c. 25, but to the same incidents as in any province under our General Criminal Acts, 32, 33 Vict. c. 29, ss. 50, and 38 Vict. c. 11, s. 49 (Supreme Court); but then, how about the jury? There does not appear to be any provision in 43 Vict. c. 25 or the Amending Act, 47 Vict. c. 23 for the summoning of a jury of more than six, and this might possibly raise a difficulty in the way of treating such a court as an ordinary criminal court, and so not subject to appeal to the Queen's Bench, Manitoba.

The court martial, if that tribunal were