

we have the admission, which it was necessary for any professional man having a sense of honor to make to the House, of the hon. member for West Durham (Mr. Blake), who stated that evidence like that was inadmissible at the trial. I have shown that, with the exception of the two witnesses from the Departments to prove that which would not have been evidence, and with the exception of the three witnesses for whom an amnesty, and not a subpoena, was asked, Crown counsel pledged themselves to summon all the witnesses for the defence and pledged themselves to pay them. We shall now see how far they carried out that duty. For the purpose of showing the House that this matter, which is urged as an element of unfairness in relation to the trial, was never submitted to the tribunal at all, never came before Judge Richardson to pronounce judgment upon, I will read from the report in the *Globe* of July 30th what, as I have related, took place after counsel had arrived at that understanding. In regard to the proposed adjournment for a month, counsel for the Crown—Mr. Christopher Robinson, Q.C.—announced to the court the understanding that had been arrived at. He said:

"All those witnesses who are in this country can be got in a week just as well as in a month, or a year. The Crown will do more. The Crown will join with my learned friend in telegraphing to those three gentlemen who are at Quebec, and those three gentlemen who are at Prince Albert. I desire that to come from the Crown as well as from them and the Crown will pay their expenses."

"Mr. Fitzpatrick to the Justice.—I read the Order in Council as conferring very limited powers. However, that difficulty is all obviated by the offer made by the Crown."

The counsel for the defence withdrew this matter from the consideration of the Court, having arrived at an understanding with the counsel for the Crown; and I propose to state to the House what was done in the discharge of that agreement so arrived at, because the case, I admit, is all the worse if, after having withdrawn that application from the consideration of the court, they did not fairly and honorably fulfil the obligation they had undertaken. On 21st July, 1885, the Deputy Minister of Justice sent this telegram from Regina to Drs. Clark and Howard:

"You are required here on Wednesday next as witnesses for the defence on Riel's trial. Expenses will be paid by Crown."

Mr. Lemieux and Mr. Burbidge sent the following telegram to Dr. Roy:

"Yourself, Vallée and Charles Vincelette required here Tuesday, 28th, as witnesses for defence—Riel's trial. Accept this as a warning, and please warn Vallée and Vincelette. Expenses paid by Crown."

Dr. Roy telegraphed back on 22nd July, thus:

"Dr. Vallée sick; unable to go. Dr. Clark, Medical Superintendent of Toronto Asylum, will replace him under same conditions and go if asked. Tell Lemieux and answer immediately."

To which answer was made as follows:—

"Lemieux sorry that Vallée cannot come, but cannot help it. Clark has been summoned. Will expect yourself and Vincelette as warned."

On the same day, 22nd July, Dr. Howard, telegraphed to Sir John A. Macdonald for confirmation of the telegram, and said: "If all right will go up at once." But Dr. Howard, in consequence, as it is stated by the hon. member for Montreal (Mr. Curran), of infirmity of health, felt unable to undertake the long journey alone; and requested that a fee of \$500 should be paid him. The member for West Durham (Mr. Blake), says he regrets that, in consequence of that, the Crown refused to procure his testimony. The hon. gentleman was not aware, of course, of the explanation which I am about to give him, but I am sure he will withdraw, at least, that condemnation of the Government, after I make him acquainted with what was actually done. Although Dr. Howard declined to go unless he was paid \$500, and so notified the Department of Justice, the Minister, instead of declining to pay that fee, placed the matter before the counsel for the defence. This was my predecessor's telegram:

"Dr. Howard declines to go for less than \$500 cash down. Will prisoner's counsel be satisfied with anyone else, or shall I pay him the money and start him off."

"ALEXANDER CAMPBELL."

To Sir Alexander's telegram the following telegram was sent to Ottawa for the purpose of giving Dr. Howard his reply. It was sent after consultation with the counsel for the defence and with their full concurrence:

"Defence do not ask Crown to pay any such fee. Please let Howard know that if he will not come for the fees allowed by law he need not come."

So the House now has the information with respect to that demand for \$500—that we even offered to pay that fee, and start Dr. Howard off, if the counsel for the defence required him, and the answer was received that they did not desire the Crown to pay the fee. I shall not detain the House by reading a mass of correspondence for the purpose of showing what was done in relation to other witnesses. In regard to the witnesses in the North-West Territories, by a series of telegrams sent all over the country and summonses served by the mounted police, the attendance of all witnesses there, desired by the defence, was secured, and secured at the expense of the Crown; not merely were the expenses of the witnesses paid by the Crown, but the expense of having them summoned and telegraphed for, and every other expense in connection with the matter was defrayed by the Crown. All those witnesses, with the exception of Father Touse, who was unable to leave his parish for some reason, every witness in the North-West Territories desired by the counsel for the defence attended at the trial. If any person's attendance was not secured, it was not due to the slightest hesitation on the part of the Crown as regards expense or anything else. After making this statement I think we are not open to the imputation made by anyone, no matter how blinded he may be by prejudice, that the trial was unfairly conducted. I am glad to be able to say, with respect to the delay which was granted for procuring those witnesses that Mr. Fitzpatrick, in court, after this understanding was arrived at, made this statement:

"May it please your Honor.—I, on behalf of the defence, assume the responsibility of accepting the delay which, as stated by the Crown counsel, the Crown is prepared to offer us."

"Mr. Justice Richardson.—I think it is reasonable."

"Mr. Fitzpatrick.—I think it is a reasonable time. I might, perhaps, have stretched a day or so, but not beyond that, because the means of communication are very quick now compared with what they were, and a witness can be got from Quebec, &c."

Yet, Sir, after that statement appeared in the public prints, a motion of censure has been advocated on the ground that it was dishonorable to refuse the prisoner a fair delay for the preparation of his trial, and one member said it was so base an outrage that men like Mr. Robinson, Mr. Osler, Mr. Casgrain and Mr. Burbidge would not have descended to such a cruelty unless they had received special instructions from the Government. I was curious to know what his real estimate of his professional brethren was, for whom he professed so high a respect. He thought they were Christian gentlemen, he thought them professional men of high honor, he thought they would not descend to an act of tyranny, an act of outrage against an unfortunate man struggling for his life, unless, forsooth, they had been told to do it by the Government. If those gentlemen were willing to do at the bidding of the Government, what would be so reprehensible, they could not deserve the high character which the hon. gentleman has given them. He must have entertained the opinion of his professional brethren which an English essayist did some time ago, when he said with regard to the tradition that counsel was bound, if he took a brief and was paid a fee, to do even dishonorable things for the benefit of his client, "it comes to this: that a man may do for a guinea what he would not do without it for the world." The next objection was that