

particular officer whom the Government, I think, extremely unfortunately, decided they would entrust with the duty of conducting these trials. Well, the judge chooses the jury panel, and we have heard from the hon. member for Bellechasse (Mr. Amyot) a statement, which I think is of considerable importance, and with reference to which I should have desired to hear something from the Government before now—a statement to the effect that there were persons of the faith and nationality of the prisoner eligible as jurymen, but that none or only one such was chosen of the panel. I heard the hon. member for Montreal Centre (Mr. Curran) say that no objection of that description could apply, in consequence of the relations of the prisoner at the time of his trial to the church of his fathers and the church to which he himself belongs, but I do not think that argument holds; and, for my part, I must express my regret that, if the circumstances be as up to this moment they appear to be from the uncontradicted statement of the hon. member for Bellechasse (Mr. Amyot), a wider selection should not have been made of the panel; and I share the regret expressed by several hon. members that the single person who happened to be on the jury, of that faith, should have been peremptorily challenged. For that challenge there may have been, for all I know, a good reason; but we are not told, and we must not presume it was a challenge for cause. We all know the shock to the administration of justice which ensued when those of his faith were challenged on the occasion of the O'Connell trial. That ought to have been a lesson on this occasion, and the same difficulty ought not to have recurred in our day. Again, with reference to the character of the prosecution. The written instructions which were given to the Crown lawyers were to try all the leaders, with the exception of certain Indians and others who might be chargeable with murder—to try all the leaders for treason. No distinction whatever was made in those instructions between Louis Riel and the other leaders. Now, how did it happen, under these circumstances, that all the prisoners, except Louis Riel, were indicted—for the same offence it is true—but under the more modern statute and procedure, for treason-felony, while Riel alone was tried for high treason under the ancient law? Were there special instructions given which have not been brought down to us, or special verbal instructions or communications differing from the general instructions which have been brought down to us, as the only instructions given to the officers? If there were none such, I consider it to have been a violation of those instructions to try for treason-felony the mass of the leaders, and for high treason, one. They were all ordered to be tried for treason, and they all ought to have been tried under the same statute, unless special instructions were given to the contrary. It was, of course, with the cognisance of the Government that this difference was made, because it was everybody's news—it was reported in the papers; and, therefore, I assume that the Government either instructed, in the first instance, or else acquiesced in the course pursued; and I am entitled to assume that because I observe still further that the Deputy Minister of Justice was one of the officers associated with the others in the conduct of the trial. As to the time, I agree with the observations that have been made, that it seems to have been short; but I am not prepared, in the present state of the evidence, to maintain that it was too short, simply because I have been unable to observe any protest on the part of the prisoner's counsel that it was too short, excepting in so far as such protest may be implied from their having asked for a longer time than the Crown counsel granted. Upon that subject, I think we might have some further information. I was glad to be able to make an observation, which has been referred to before in this debate, as to the assistance given by the Crown in procuring the prisoner's witnesses; that

Mr. BLAKE,

observation can no longer be repeated in its full force, because I have learned, since this debate commenced, the course which was pursued with reference to the request for witnesses. In my view, it was of the highest consequence, and in saying that I do not overlook the letter which the hon. member for Montreal Centre (Mr. Curran) read, that Dr. Howard should have been called. I do not, after the statement of that hon. member, charge his not being procured upon the counsel for the Crown, because the hon. gentleman read a letter addressed to Dr. Howard from the Department of Justice here, from which it appeared that negotiations had been going on between the Department of Justice and Dr. Howard as to the terms upon which that gentleman would visit Regina; that he had named, under the special circumstances which the hon. gentleman mentioned, the sum of \$500; and that it was upon the question of that charge that the Department of Justice declined to arrange for Dr. Howard going up to Regina. Now, Sir, I regret that decision. I think it extremely unfortunate that Dr. Howard—who, besides being a well known alienist, also had charge of Riel for, as well as I could gather, a period of nine months in the asylum over which he presided—was not a witness at the trial, and that we have not now the benefit of his evidence. I do not think any such question as the difference between what might have been supposed to be his reasonable charge and the sum of \$500 ought to have weighed for an instant in considering the question whether he should have been available or not. Then, Sir, I think it is unfortunate that we do not know more with reference to the complicity and responsibility of the whites in the rebellion. We remember the speech of the First Minister, last Session, in which he declared that it was not to the Indians or to the half-breeds, but to the whites of Prince Albert, that we owed the shame, the disgrace and the discredit of the rebellion. We find the law officer of the Government pointing out the same proposition, not as positively but still with a tolerable degree of certainty, to the counsel whom he was sending there, and instructing them that no point was more important than that they should secure evidence and convict those who are guilty in this regard. We hear from the Minister of Justice that reports have been received from the law officers of the Crown on all these points; we know the beggarly kind of attempt made to mete out justice to these guiltier whites. We know that two only were committed for trial, for the Minister of Justice has told us so; we know that one was Jackson of whom the Secretary of State, with that liveliness of imagination which characterises his oratory, told his constituents at Terrebonne that he was a Frenchman in all but the name, that he was *Francisé*, that he was just as much a Frenchman as Regnier, and there was no question of nationality about it.

Mr. CHAPLEAU. I did not.

Mr. BLAKE. Oh! well, we will verify as we go on. Here is a report in *La Minerve* of the hon. gentleman's speech:

(Translation.)

"A VOICE. You have pardoned Jackson, the Englishman, why did you not pardon Riel? Jackson, gentlemen, what has been said and written with regard to Jackson's pardon is, allow me to use the words, downright stupidity. In the first place, Jackson is no more an Englishman than you or I. All the English there was in him was his name, and he was just as much French by blood and language as Riel himself. In this he was a good deal like a great many of our countrymen who are of English or Scotch descent, but who are thoroughly frenchified. Jackson was one of Riel's secretaries. His fate was that of Régnier, his colleague, who was a Canadian by name and origin."

And then the hon. gentleman proceeds to say:

(Translation.)

"They were both pardoned as accomplices in the second degree, so that the question of race had nothing to do with the case."

That was the hon. gentleman's statement by the revised report of the hon. gentleman's speech in the *Minerve*,