

of the conversation related by *Des Loges*, were embraced, to which he most positively gave a denial, contradicting in toto the whole that *Potrier* dit *Des Loges* had sworn to, with the single exception of the fact, that they did meet the Prisoner in going to *Swan River*.

Between this contradictory testimony, it was (said his Honour,) for the Jury to decide, and the only assistance they could have in forming a just decision, was the *characters* of the persons who give evidence, and in the present instance, testimony to that was produced, giving *Ducharme* a most excellent character—and *Des Loges*, one of the most infamous description.—If *Ducharme* was believed, it was stated, that *Faillé* and *La Pointe's* testimony, being contradicted by him in many particulars, would probably be done away with, but it would certainly be impossible to entertain *Des Loges's*.—Reference was made to some of the contradictions, and also to the identity of the witness *Des Loges*—and the *Chief Justice* continued—that by an examination of *Ducharme's* testimony throughout, it would be found to do away the greater part of *Faillé* and *La Pointe's*, and the whole of the other man's.—Having gone over the questions, &c. (page 315,) to *Ducharme*, his Honour repeated that this must be the effect of believing him, and proceeded:—

But, gentlemen, all the Court wishes, and all it will do, is to point out the striking parts of the evidence to your notice, and then leave it to your decision. It is, however, impossible, if you believe *Ducharme*, that you can, for a moment, entertain *Des Loges's* testimony. Relative to the effect it will have upon the two *Canadians's* evidence, the Court cannot but remark, that they appeared to feel as if they yet recollected the *coups de baton*, by their referring to it so frequently, and it will be for you to say whether that circumstance may have had any, and what, influence upon their testimony, but their very frequent reference to the circumstance proves that it has made a very strong impression upon their minds. Another circumstance, which you cannot but have noticed, is that they never recollect the *person* who said this, that, or the other, nor the *place* where they were at the time they relate a transaction to have occurred, though they are so very minute in their narrative. But, whilst on parts of transactions which it would not be surprising if recollection failed them, they are exceedingly positive, of others which it would be more natural that they should remember, the particulars appear to have escaped their own memory, or they swear that they never occurred, in which they are contradicted by other evidence. There are also many parts of the story in which they do not agree with one another.

[The difference relative to the sugar, (page 302 with 308,) and the destruction of the papers, (page 302 with 305,) were strongly marked.]

These striking differences in their testimony, will be sufficient, per-