

body was disposed of. The prisoner and his confederates had the body in their charge after it was shot, and made away with that body so that it cannot be found. They cannot escape this responsibility : if the body is now living, did not cease to exist at that time, who should know it, who in all the world were better informed than the prisoner ? Was the body thrown into the ocean and weighted with chains, or disposed of by cremation, or in any other way so dissipating it that it cannot be found, it never will release the prisoner from the responsibility of murder. I will leave that question of fact to be taken in connection with the statement made by the prisoner under his own hand. Assuming Scott to be dead, is the prisoner so connected with his death as to render him responsible for it ? I have to tell you that the killing of a human being done at leisure or designedly is murder, that any other person aiding and abetting in that killing sedately and designedly is guilty of murder. Now, gentlemen, when was this killing, and when was it intended ? John Bruce says that about fifteen days before he saw Scott shot, he was at the Fort, and saw the Adjutant-General, the prisoner. He asked him when he was going to liberate the prisoners. The prisoner replied, "Before long ; we will shoot a couple of them before we do it." He says that when the Schultz prisoners were taken, he asked the same question about the liberation and received the same reply ; he thought he was answering jocosely, not seriously, as he (Bruce) thought it was so shocking for any one seriously to say in earnest. The next thing we hear is what Michel Dumas says ; I had better read his own words : "I was a soldier in the Fort ; saw Scott two or three times, knew him by sight ; I heard Scott was to be shot about a week previous to the shooting ; I heard it from the poor such as I am ; some quiet people like myself heard it from those moving about the Fort, and they told me that it was said Scott was to be shot ; I did not hear of any charges against Scott." Then it appears, if we can believe the witnesses, that they had been talking of this in the Fort, having in their hands the power of killing Scott, and that he was to be shot at least a week before the event took place. The other person who states this is Joseph Nolin. He says, in speaking of the court martial, or whatever you call it, "I was first to hear of it. I heard of it about 3 o'clock of that day from Riel himself." He was not asked the question whether he had heard whether anything was to take place, but he heard about 3 o'clock that this convocation of the prisoner and others was to decide the fate of Scott. The prosecution would have you informed from this statement that the killing of Scott, if he were killed, was not only a deliberate but a long-premeditated matter. I will take you now to the night before Scott was shot. Murray swears that at night, between 8 and 9 o'clock, it was after dark at any rate, on the very night of the afternoon that Joseph Nolin swears that Scott was to be tried, Riel, O'Donohue and the prisoner came into the guard-room, in the building where the prisoners were confined, and in the room where Murray was warming himself at the stove ; he says Riel spoke to him abruptly, and said, "Who are you ? Are you a Canadian ?" He said he replied, "I am one of that party ; Scott's room was in the north-west angle of the building ; ours was in the south-west angle. After that I went into our room and shut the door and looked through the keyhole. I heard an uproar at Scott's door, as I thought the door was in charge of a guard. I heard Scott say, 'I want to get out for a call of nature ;' the guard refused to let him go out, and shut the door ; after a little I heard another uproar, the door was again opened, Riel then went to the door. Scott then said, 'I want to go out ;' some discussion took place ; Scott said then he wanted to be treated civilly, Riel replied that he did not deserve to be treated civilly, and called him a dog. Still Scott persisted in going down-stairs, a scuffle then took place, in which Riel joined. The door was shut ; Scott did not go down." It is important to bear in mind that Murray says that it was in the evening about 8 or 9 o'clock, and the prisoner and O'Donohue were seen with Riel. Now, I ask you what were the object of those three men there that night at that time ? When Nolin says that it had been determined to try Scott, was it for the purpose of getting into a