

"But I do not say that the Government is censurable for having tried the prisoner by the tribunal provided by the standing laws, though I may regret that those laws did not provide a more satisfactory tribunal."

Now, Sir, there is another point in which the fairness of the trial has been challenged. It was said that Louis Riel, being of the Roman Catholic faith, it was suspicious that the only Roman Catholic juror called was challenged by the Crown. I have only to say this, Sir—and I say it upon the authority of the counsel who conducted this case on behalf of the Crown—that until that statement was made on the floors of this House the counsel for the Crown were not aware what that man's religion was. I am able to assure the House on their authority, which, I am sure, will not be impugned here, or anywhere else in this country, that there were other good reasons given why he should be challenged, and that the question of religion never entered into their consideration at all. The hon. member for West Durham thinks that that could hardly be so, because, he says, if it were so there would have been a challenge "for cause." Every person practising at the bar—and I appeal to all my professional brethren on both sides of the House to confirm the statement—knows that in the trial of causes there may be doubts as to the qualification, mental or otherwise, of jurors, doubts as to the soundness of the judgment which they may bring to the cause, doubts as to their partiality as jurors, which cannot be verified on a challenge "for cause," because, perhaps, the witnesses are at a distance who could prove the objections, and it is better and safer in the public interest, safer in the interests of justice, to challenge peremptorily. Although there were a number of jurors challenged on that occasion by the defence, this is the single instance in which a juror was challenged on the part of the Crown, and he was challenged, as I said, for reasons which it might be indelicate for me to communicate to this House—reasons, however, which affected the minds of the counsel for the Crown with doubts as to the partiality and wisdom with which he might discharge his duties as a juror, but not in any way in relation to his sect, his creed or his race. Then the criticism was made that the trial was an unfair one because other prisoners were not tried for high treason. They were charged with the offence, equally grave, perhaps, but not so severely punishable, of treason-felony. I fail to see how that could affect the regularity or the fairness of the trial, which took place before it was decided at all what these men should be brought to trial for. If the graver charge of high treason were not withdrawn then, as to these persons, how could any person, in the interest of Louis Riel, or of justice generally, say that the fairness of his trial was affected by something that took place afterwards? Then some criticism was made with regard to the non-trial of the so-called "white settlers" of Prince Albert. An investigation was then going on to ascertain which of the white settlers of Prince Albert, if any, should be brought to trial, and because they were not then brought to trial, I understand it is sought to draw the inference that Louis Riel's trial was an unfair one, or that some invidious distinctions were made with regard to it. Now, Sir, I come to the next point which was pressed, not so much by the hon. member for West Durham as by other hon. members, and I think very sincerely as well as very ardently pressed by some of our friends from the Province of Quebec, that a month's delay was asked to enable this man to prepare for his trial. Let me assure the House upon the authority of the papers which were brought down to this House days ago, that no application for a month's postponement was submitted for the judgment of the court at Regina. This is what took place:—Counsel for the defence, after the disposal of the preliminary question of an objection to the indictment, submitted affidavits asking for a postponement. They intimated that they would ask for a month's postponement. They made application for a month's adjournment. That application, before it could be ruled upon by Mr. Thompson (Antigonish),

the judge, was taken into consideration by the counsel for the Crown, and those counsel made to the counsel for the defence this proposition: "You are asking a month's delay; it is unreasonable, because in a week witnesses can be brought here from any part of Canada; we will consent to a week's delay, and as our own side of the case shall takethree days more, you will thus have ten days, beyond all doubt." They said: "That will be enough for you, because you shall not be put to the trouble of summoning witnesses in the ordinary way; we will join you in telegrams, as counsel for the Crown, telegraphing to those witnesses, wherever they are, not only asking them to come, but pledging ourselves for the Department of Justice to pay their expenses." The counsel for the Crown said: "We will do more than that. The practice in the administration of justice in the North-West Territories is to use the mounted police for the purpose of serving the summonses, and we will put our own officers at your disposal for the purpose of summoning your witnesses, as soon as possible." Now, Sir, let me take up the list and see who these witnesses were for whom this month's postponement was demanded, and let me see in what manner this application of the defence was treated. There were three witnesses in the territories of the United States adjoining the North-West Territory. Everybody knows that in the case of witnesses in a foreign country to whom no commission has been sent, and for whose attendance no process would be sufficient, no court of justice would grant an adjournment. But it was not an adjournment that was wanted with regard to those persons. Ten days would have been ample to bring them there. What the counsel for the defence asked in respect of Gabriel Dumont, Michel Dumas and Napoleon Nault, was not simply that they should have their expenses paid, which we would have assented to, not merely that they should have been summoned, which we would have assented to, but that we should pledge ourselves that if they came to testify, no proceedings would be taken against them in connection with the past. That was a pledge which counsel for the Crown were not authorised to give. It would never do, Sir, in the conduct of a trial for a rebellion of that kind, to give an amnesty for the worst actors in the rebellion, under the guise of a subpoena to attend court. There were three other witnesses, clergymen, "whom," said the counsel for the defence, "we require to have here—Father André, Father Fourmond, and Father Touse." The counsel for the prosecution said: "We will summon them for you." Now, as regards the medical witnesses, counsel for the defence asked for Dr. Roy, Dr. Clarke, Dr. Vallée and Dr. Howard, and every man of them was summoned by the Crown; every man of them received the assurance that his expenses would be paid by the Government. Then there were Mr. Vankoughnet and Mr. Burgess, who were wanted to bring the papers from the Department of the Interior. But everybody knows that papers to be produced for the purpose of showing that the half-breeds had grievances, or that there was delay in attending to their grievances, even if such papers were in existence, were absolutely inadmissible at that trial. I need not cite authorities for that. The hon. member for West Durham himself appreciated his position as a lawyer too well to urge that contention, and stated candidly to the House that evidence with regard to the grievances was properly rejected at the trial. No other decision could have been arrived at, and the expression of the law on the point could not have been better put than it was put by Mr. Richardson, who said:

"It is no justification, in the trial of a prisoner charged with an unconstitutional agitation, that he made a constitutional agitation at any other time."

For that reason only the Crown counsel declined to order the attendance of Mr. Vankoughnet and Mr. Burgess, and