

*Des Loges*. If you believe them, that belief must, indisputably, lead to the conviction of the Prisoner. The circumstances they swear to are, that the Prisoner had the entire command of the party, that he was a partner of the North-West Company, and the others being clerks and servants were consequently under his controul; and this is not contradicted by any evidence on the part of the Prisoner. The conversation in the canoe, is a circumstance sworn to by all; they agree in the main fact, that the conversation relative to killing *Keveny*, did take place in the hearing of the Prisoner, and also that he participated in it to a certain extent. The circumstance of his receiving the sugar and appropriating it to his own use; his receiving the papers, examining them, keeping such as he thought advisable, making away with the rest, the burning of the little canoe, by his own orders—and, as sworn to by one of the witnesses, (page 305,) for the avowed purpose of preventing it being seen “by the Indians, or Canadians, who might come that way,” &c.—though *Faile* says, (page 302,) equally positively, that the Prisoner simply ordered it to be burned, but gave no reason whatever for so doing; and it should also be remembered, that *Faile* and *La Pointe* agree that they were both present at the time when the order was given. The injunctions of the Prisoner not to speak of the affair, is related by the witnesses with little variation, and, if credited, forms a strong circumstance against him. His expressions upon reading part of *Keveny's* papers in the canoe—his reception of *De Reinhard* when he came without *Keveny*—eating, sleeping, and journeying, with him, and manifesting, (according to these witnesses,) a general disposition to be friendly to him as before; all these, gentlemen, are strong circumstances against the Prisoner at the bar: so much so that, if you credit the witnesses, it is the duty of this Court, to say, that notwithstanding these differences upon particular facts, you will feel obliged to render a verdict of guilty. But, to do that, you must believe the witnesses on the part of the prosecution, and discredit those in favour of the Prisoner.—To their evidence it is now my duty to request an equal share of your attention, as it goes to contradict, in almost every particular, the evidence of the principal witnesses for the Crown. And first, relative to *Des Loges*, whose testimony is so strong against the Prisoner, he stated, if you recollect, gentlemen, that in 1816, he was in the Indian country, with one *Colishe Ducharme*, that they were in the same brigade, and that, going to *Swan River*, they met the Prisoner, and he then went on to relate a conversation which he swore took place between them. On the part of the Prisoner, this man *Ducharme*, is the first witness called, (page 314,) and he says positively, that no such conversation did take place. A number of questions were put to him, in which different parts