

justice of the peace and a jury of six, has no jurisdiction to try the offences charged in the said information.

"Wherefore the said Louis Riel prays judgment if the said Hugh Richardson in open Court with a justice of the peace and a jury of six now here will take cognizance of the charges aforesaid."

Court here adjourned till one o'clock.

Resumed after adjournment.

HIS HONOR MR. JUSTICE RICHARDSON.—Before you proceed, I understand there are quite a number of prisoners in custody.

MR. OSLER.—Seventy three.

HIS HONOR.—Going through all these will take a very long time, a great number of days. The prospects are that this case, if it does not close at once, will take a considerable time and will be followed by the others. I think it would be unfair for the prisoners to keep them longer in custody than necessary, and I propose therefore, as there are other gentlemen having the same jurisdiction as myself, to ask the Government to send one of them to hold Court so as to have the two Courts sitting at the same time, if you gentlemen have no objection to that course.

MR. ROBINSON.—We have no objection to that. We were talking about it this morning.

MR. FITZPATRICK.—I will proceed to read our plea to the jurisdiction of the Court, as amended in some respects.

HIS HONOR.—This will be substituted for the one put in my hand this morning.

Mr. Fitzpatrick reads the plea as amended.

MR. ROBINSON.—In our view a formal plea to the jurisdiction is not necessary nor a formal answer, we thought it only necessary for them to state their objection and for us to answer them.

"And the said Christopher Robinson, one of Her Majesty's Counsel learned in the law, who for Our said Sovereign Lady the Queen, in this behalf prosecute, to the said plea of him the said Louis Riel, by him above pleaded as aforesaid, for Our said present Sovereign Lady the Queen, saith :

"That the said plea and the matter therein contained are not sufficient in law to preclude the Court from their jurisdiction, and to hear and determine the offences charged, mentioned and specified in the said charge as above charged upon him the said Louis Riel in and by the said charge.

"Wherefore, for want of a proper and sufficient answer in this behalf he prayeth judgment, and that the said Louis Riel may answer in Court here to Our said present Sovereign Lady the Queen touching and concerning the premises aforesaid."

Answer handed to the clerk and fyled.

HIS HONOR.—We have the plea to the jurisdiction and we have the demurrer.

MR. FITZPATRICK.—We join issue upon the demurrer.

MR. JUSTICE RICHARDSON.—Now, if I understand the contention of Mr. Fitzpatrick, it is that this Act of 1880, so far as it relates to the trial of criminal offences such as this, is *ultra vires*.

MR. FITZPATRICK.—My contention is that the Act of 1880, in so far as it relates to the trial of capital cases is *ultra vires*.

MR. JUSTICE RICHARDSON.—Well, as I cannot hold that, I must sustain the demurrer.