ing a copy of it is considerable, I am inclined to forego the labor unless a copy should be thought material. For myself, I do not see that it is.

In the case of criminal outlawry, the proceedings are necessarily *ex parte;* they are simply to compel, after indictment found, the surrender of the delinquent. In these proceedings the offender cannot appear by counsel; he must first surrender himself to the custody of the law, and then his counsel may appear and be heard, but not before. The end aimed at is the surrender of the offender; that being accomplished, the proceedings are at end. I make this remark as showing the reckless allegation or ignorance of the petitioners in respect of what they say as to counsel for the defendant. Of course the defendant could have no counsel known to the Court; and if he had, I do not think it would be incumbent on the Court to consult that counsel as to what should be the terms and form of writ against his client. They say amendments "were made in a most illegal and unjust manner," that "dates were altered and changed in certain documents and records of the Court then in the custody of the Clerk, and thereby was procured the illegal outlawry of Louis Riel and others." There never was any other case of outlawry in the Court in Manitoba that I know of than that of Louis Riel, and no change of any "dates in documents and records" were ever made in that case except as I have mentioned; and those changes being perfectly right according to the law and the justice of the case, and in no sense, as I can see, affecting the end reached in the outlawry proceedings, to say that thereby the illegal outlawry of Louis Riel was procured, is one of the most wanton, reckless and daring charges ever made against a judicial officer.

It is charged against me that in what I did I did not consult Mr. Carey, (then the Clerk of the Court, but since dismissed for alleged interomissions in his office.) I was not aware before, that I was bound to consult the Clerk of the Court as to the exercise of any judicial discretion in the discharge of my judicial functions. My ignorance in this respect, has no doubt been the occasion if not the cause of this dastardly attack on my honor as a Judge for which I have no remedy.

Even if the writs in question had been formally issued and delivered to the Sheriff for execution, but not formally executed, on my attention being called to any matter of mere form, I should not have had any hesitation in making the amendments thought expedient or even necessary; and now I should, in such a case, have as little hesitation even without the consent or knowledge of the Clerk of the Crown and Peace. As an illustration of the length to which the power to amend now goes in criminal matters, I need only refer to 32, 33 Vic., chap. 29, sections 70, 71 and 72. A criminal information may be amended (in *re* Conklin, Q. B. Ont. 160.)

But really in fact in this matter there was no amendment of even the writs properly so called—there was merely more specific directions in the writs given to the Sheriff—the form of the writs not being prescribed by Statute, but being settled by counsel so as to conform to the Statute and exigency of the occasion in this case caused by a change in the sittings of the Court *in banc*, and as a Court of Oyer and Terminer, &c., by 38 Vic., chap. 12, secs. 3 and 5.

In all cases of criminal outlawry, the offender can, on surrendering himself, move against the judgment and assign error on the record, which is made up of the writs and returns; and if not conformable to law, the judgment of outlawry will be set aside.

Whether the judgment in this case would be upheld by the Court, I can offer no opinion, but I am certain it would not on the law or merits be held defective for any change or alteration in the writs. (Rex *vs.* Barrington, 3 T.R. 499; Rex *vs.* Almon, 5 T.R. 202; Rex *vs.* Perry, 6 T.R. 573.)

In conclusion permit me to say that I cannot but feel, that through malice and malevolence, great injustice has been done me in this matter. The mere mention of any such accusation as this against a Judge, in a formal petition, although without any justification in fact, is so abhorrent to all our notions of the uprightness of the Bench, that careful examination is with many dispensed with, and flagrant wrong visited upon an innocent and perfectly justifiable act. There can be no question in this case; but I confess that the mere imputation or insinuation annoys and distresses