

gives examples of the manner of stating offences under it, while s. 382 provides that the forms, varied to suit the case, or forms to the like effect, shall be deemed sufficient in law.

Held, that the forms FF are intended to illustrate the provisions of s. 511, and their effect is not confined to the offences stated in them; and, as, if the charge here had contained an allegation of intent to mislead, it would not have been given the defendant any better notice of the offence than he had, it was unnecessary. The statement in Taschereau's Criminal Code, p. 675, dissented from.

2. That the charge was founded upon facts and evidence disclosed in the depositions taken before the justice on the preliminary examination; that such preliminary examination was sufficient for the purpose and that the fact that it was held against three persons was immaterial, there being separate informations, but only one inquiry.

3. That the trial judge had power to allow the charge to be amended as it was amended; the Crown counsel had the right under s. 11 of the North-west Territories Amendment Act, 54 and 55 V. c. 22, to substitute another charge in respect of the same offence, and having that right, he could amend the original charge, instead of substituting a new one. In the North-west Territories the Crown prosecutor is the accuser, not the grand jury, as in England.

4. That the trial judge was justified in refusing to allow the defendant to withdraw his election. *Regina vs. Brewster*, decided by this court, followed.

5. That the defendant's statement made before the justice was properly admitted in evidence.

6. That the offence as charged and proved was an indictable one under s. 147 of the Code. The object of s. 26 of the Canada Evidence Act, 1893, was to provide a means by which certain statements not authorized to be made on oath could be verified. The permission to receive a solemn declaration includes authority to make it.

7. That the objection that the personal pronoun "we" was used in the declaration was not a good objection. Each one of the declarations may be taken to have alleged his own personal knowledge of the matters set out in the declaration.

I think I have placed this matter sufficiently before the Government. It is an extraordinary thing that before judgment by the Court came one of the men down to Ottawa, armed with a declaration, and the Minister of Justice thinks that under section 748 he has the power to hear their application for a new trial, and he does hear it, and he tells a member of this House that he received affidavits and promises to give him copies—which, however, he has not yet given him—and tells him what his view is, and his view seems to be that the application was, to some extent, based on the ground that the conviction was contrary to the weight of evidence. But, as I pointed out to the right hon. gentleman, the Minister of Justice was estopped from hearing any application of that kind by section 747, which expressly provides for an appeal to the Court of Appeal, when the verdict is against the weight of evidence. Under section 748, the application to the Minister of Justice must be for the mercy of the Crown, but how there could be an

Mr. DAVIN.

appeal for the mercy of the Crown until there was some reason for extending mercy I fail to see. A more practical end can be reached probably from what I have done to-night, than if the judgment had been pronounced and action had been properly taken, because now we may be able to prevent a gross miscarriage of justice through the Justice Department. These men have not yet been sentenced, and expect to escape through their great influence with the Liberal party. One of the men who was up the other day before the magistrate for cattle-stealing swore that he had great influence with the Liberal party. No doubt, he has been a very active man, and we have here apparently political influence introduced for the purpose of interfering with the course of justice. I place the facts before the House, and though I have been very badly treated by the Minister of Justice, I still feel that there may be possibly some explanation, because I am surprised that so kindly a man as I knew him to be in this House should have promised me those affidavits and not given them to me. But, at any rate, I have done my duty not merely to the North-west but to the whole country, because the whole country is interested in the way this Criminal Code is administered by the Department of Justice.

The PRIME MINISTER (Sir Wilfrid Laurier). I owe it to my hon. friend (Mr. Davin) to give him a few words in answer, and they must be a few words only after the long statement he has made in reference to the case. Though I have not given of late much attention to my profession, still, upon the statement he has made to-day, I owe it to myself as well as to him to tell him that he has been labouring under a very serious misapprehension, of which fact he will be satisfied on hearing what I have to say. Before I come to that, however, I desire to say that I cannot follow him in the gossip matters he has introduced in this debate. He has taken upon himself to state that there was a caucus at the house of Major Cotton and that Major Cotton had been heard to say that there would be a new trial—

Mr. DAVIN. I did not say that Major Cotton said that.

The PRIME MINISTER. Somebody in Major Cotton's house and in Major Cotton's hearing, then, and that all the Liberals about Battleford had been saying that the administration of justice would be interfered with, that the law would not be allowed to take its course, but that somebody, a power behind the throne, would see to it that James Skelton went scot free. All that is gossip. There is no statement upon which anything can be based, no record or other evidence has been introduced to prove the statement. Moreover, if introduced, they would not be relevant at all to the matter in hand. My hon. friend has com-