

If you find that it was false, that Skelton knew it to be false, and that it was made with intent to deceive, then you must bring in a verdict of guilty.

The jury retired, and after a short absence brought in a verdict of "Guilty."

Skelton was admitted to bail in the sum of \$500 for himself and two sureties in \$250 each to appear at a sitting of the court to be held on the 16th of May next.

In the case of the Queen vs. Dewan, the evidence was practically the same as in the other case, so that I will not trouble the House with reading it. I have told the House all that occurred; but I want to point out one or two facts before I sit down. On the 12th of March I received a letter from Mr. Mackenzie, of Mackenzie & Brown, dated the 8th of March, in which he said:

Dear Sir,—You will likely remember the perjury cases that arose last year in Battleford against J. M. Skelton, Thomas Dewan and Charles Daunais out of false affidavits declared by these three men for the purpose of removing J. B. Mercer, a Conservative, from the postmastership at Battleford. These cases were set down for trial for August, but they asked for an adjournment, giving as their reason that the counsel was unable to attend. The adjournment was granted and the case was fixed for October. At the trial every technical objection conceivable was raised. The jury found Skelton guilty in his case, Dewan was convicted in his case, and Daunais' trial resulted in a disagreement. The judge overruled the accused's objections at the trial, but stated a case for the Court en banc here. The points were all argued again in December, and in February unanimous judgment was given overruling the objections and sustaining the convictions, so that now the three men come up in May, Skelton and Dewan for sentence and Daunais for a new trial.

Immediately on getting that letter, and also a letter of the 3rd of March from Mr. Clinkskill, which I have in my hand, I went on the 12th of March and saw the Minister of Justice, and I wrote to Mr. Mackenzie what the Minister of Justice had stated to me, that nothing would be done ex parte and I got the following letter on 18th March, 1898, from Mr. Mackenzie, of Mackenzie & Brown:

Dear Mr. Davin,—I am in receipt of your favour of the 12th instant and am very much obliged to you for the trouble you are taking in this matter. I noticed in the papers a discussion on the proposed amendments in reference to granting new trials, and certainly think the move was a wise one. If the Minister of Justice had agreed not to act ex parte, I agree with you it would hardly do to bring the matter up on the floor of the House, as you would have an opportunity of looking into the matter before any decision could be given by him. It is impossible for me at present to send you copies of the judgments of the full court as it will be some days before I could get them completed. Some days ago I sent R. F. Chisholm, the Crown prosecutor at Prince Albert, copies which will probably now be in Ottawa, and as reporter for the "Canadian Law Times" I forwarded duplicates to that report so that you will probably see the judgments in full in the next issue of the "Law Times" as quickly as if I

forwarded it to you and in time for you to act on it.

And so on. I have here the "Law Times," volume 18, No. 8, for May, 1898, containing the judgment of the full court in this case, which will be found on page 205:

Crown case reserved by Wetmore, J., upon an indictment and conviction of the defendant for perjury and heard by Richardson, Rouleau, and Scott, JJ.

The original charge was that the defendant at Battleford, on or about the 16th day of April, A.D. 1897, in a certain solemn declaration made voluntarily before a justice of the peace in and for the North-west Territories, did falsely, wilfully, and corruptly declare and state of J. B. M. to the effect and in the words following, that is to say: "We," meaning the defendant and others, "know that he," meaning J. B. M., "kept in the Conservative committee rooms the Battleford list of voters that had been made out and posted by the enumerator. This, we believe, was done to allow the Conservative committee to examine and revise such lists, and also to prevent their being always open to examination by the public, as provided by law, and that by such action injury was done to the Liberal candidate."

Upon the defendant being arraigned upon this charge, he applied, before pleading to it, because it did not allege, in the language of s. 147 of the Criminal Code, that the statement set out in such paragraph was one authorized or required by law to be made on solemn declaration; and because it did not allege that the statement was made with intent to mislead; and because the offence set out was not founded upon the facts or evidence disclosed in the depositions taken at the preliminary examination, and the charge was not preferred by the Attorney General nor by his direction nor consent, nor with the consent of a judge; and because the preliminary inquiry was held against three persons, including the defendant, and not against the defendant alone.

The judgment then recites what took place, and then proceeds:

At the preliminary examination of the defendant before a justice of the peace, after the examination of the witnesses for the prosecution, the defendant was addressed by the justice in these words: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you at the trial." Whereupon the defendant made a statement, but, before making it, he was, at his own request, sworn. The statement was taken down in writing and signed by the defendant, and was offered by the Crown in evidence and received at the trial, against the objection of the defendant.

Section 147 of the Criminal Code enacts that "every one is guilty of an indictable offence * * who, being required or authorized by law to make any statement, oath, affirmation, or solemn declaration, thereupon makes a statement which would amount to perjury if made in a judicial proceeding." Perjury is defined by s. 145, and one of the ingredients of the offence is that the statement must have been made with the intention to mislead. By s. 611, s.-s. 3, it is provided that the statement of a charge may be in any words sufficient to give the accused notice of the offence with which he is charged, and form FF in the schedule, which expressly refers to s. 611,