

reasons—perhaps good and valid—he abandons his attentions, she gets offended—you know the effect of a woman's scorn, a woman who has been jilted and neglected—she lays an information, has the man put on his trial, and goes into the witness-box, and under my hon. friend's Bill all she requires to establish her own case is her own evidence. I do not think it is desirable to resort to that extreme. I think the law has worked well; I am satisfied it has. I have never, in all the course of my practice, had a complaint against it; I never heard a judge complain against it; I never knew of any petition being presented to change it; I never knew of any remonstrance made to the Minister of Justice to amend the law. And yet my hon. friend, from some reason—it may be my obtuseness, but I have not been able to grapple with his line of argument—comes to the conclusion that the law is no good. In my judgment, Parliament ought not to rescind that law. It is part of our Criminal Code; and until sounder and more cogent reasons than the hon. member has submitted so far are presented to us, we ought not to make that radical change.

By a subsequent section of his Bill, the hon. gentleman proposes to make another amendment. I am not going to deal with all the hon. gentleman's remarks. He dealt with sections he proposes to amend and sections he does not propose to amend. It is sufficient for us to discuss those sections which he proposes to change. As the law now stands, a case may be reserved for the consideration of the Court of Appeal, with the consent in writing of the Attorney General. My hon. friend proposes to do away with the necessity of getting the consent of the Attorney General. I am opposed to that. If the case is a proper one to be argued by a full court, there is no difficulty in the world in getting the consent of the Attorney General. On the other hand, the necessity of getting that consent may, in a great many cases, prevent frivolous appeals, appeals not based on any legal foundation. At all events, it has had that effect, and I think we had better let well enough alone, and not attempt to make an amendment which, in my judgment, is not as good as the law now stands.

But the sting of my hon. friend's Bill is in the third clause. That proposes to amend what is a comparatively new section in our Criminal Code—the section that enables the Minister of Justice, on application for the commutation of the sentence of a convicted person, to grant, if he sees fit, a new trial. I do not think that the grounds on which my hon. friend wants to do away with this section are valid grounds. I do not think his reasons are sound. He says that the Minister of Justice is a politician. Granted; so is every judge almost who is on the bench. But the moment they

come to deal with judicial questions, that moment they assume a judicial attitude, and lay aside their politics. I do not care what Attorney General it is, I would be prepared to trust the strongest Conservative Attorney General that ever sat in the ministerial chair to deal with a purely legal question as I would my own friend, the present Minister of Justice. When they come to deal with questions of that kind, if they are fit for their posts at all, they will consider them solely from a judicial point of view, no matter what their politics may have been or how strong politicians they may have been. The case the hon. gentleman has referred to, so far as my knowledge extends, is the only case in which a Minister of Justice has been called upon to exercise the power vested in him by the Criminal Code. I refer to the Sternaman case. If ever there was a case under the sun that justified a Minister of Justice in exercising the power vested in him by Parliament of ordering a new trial, it was that case. I read every word of the evidence from beginning to end, and I failed to discover, with all due deference to the jury, a particle of proof upon which a jury would be absolutely justified in a conviction. The great point in a criminal prosecution is the motive. Why was the murder committed? People do not commit criminal offences for the fun of the thing. There must be underlying the offence, in every case, a motive. In the Sternaham case, there was not the slightest motive suggested or given in evidence, if my memory serves me right. It was a murder, if a murder at all, without cause and without motive, and yet the jury convicted this unfortunate woman, and she was sentenced to be executed. If it had not been for this, in my judgment, a wise and merciful provision in the Criminal Code, that woman would have expiated her so-called offence on the gallows, or the Minister of Justice might have commuted her sentence. What would that mean? Neither she nor her children nor her children's children would ever escape the stain and stigma that would rest upon her and them, handed down from generation to generation, that she, their mother, was convicted of murdering their father. Here the merciful provision of the code comes in and provides that if the Minister of Justice believes, on examination of all the facts, that there ought to be a new trial, he is at liberty to grant a new trial. The Minister shall exercise his judgment. I think it was in this case a wise exercise of judgment, and whether the Minister were a friend of mine politically or not, I would be prepared to make the same statement. I know not the woman or any of her relatives, but I read every scrap of evidence gathered and submitted. There was some new evidence submitted, it is true. There was an affidavit. My learned friend sug-