

—amend the grounds of appeal, the conviction appealed against, the recognizances (provided they have been entered into in due time), upon such terms as to costs and postponement as the court may think just.

Then rule 11:

The Appellate Court may adjourn the hearing of the appeal, and upon the hearing may confirm, reverse or modify the decision of the Court of Summary Jurisdiction, or remit the matter with their opinion thereon, to the court of summary jurisdiction, or make such other order in the matter as they may think just, and may by such order exercise any power which the court of summary jurisdiction might have exercised.

Hon. Mr. DAVID: Can they annul?

Hon. Mr. GIRROIR: Yes, they may "confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter with their opinion thereon." They may send it back to the trial court.

You will see that the British Parliament, after a most careful study of this whole question, passed this legislation, which gives the very widest powers of appeal to the man whose liberty is at stake in a criminal matter. It does seem to me that, when a man has the right to appeal in a civil case, in which perhaps a very paltry sum is involved, there is no reason why, in a criminal case, involving far greater rights, involving his liberty, his good name, his reputation and that of his family, he should not have an appeal. The Parliament of Great Britain, believing that, have passed this legislation.

The arguments that are being used against this Bill, which does not go as far as the English Act, are based on the assumption that there is some difference between a man's rights in a criminal case and his rights in a civil case. I could never understand, nor have I ever known of any good reason being urged, why a man who is involved in a criminal case, which may affect his reputation and his honour and his liberty, should not have the right to have the case revised by the court of appeal. If that is done there is no reflection upon the judge who tries the case, because it is the British practice in all civil cases, and since 1910 has been the British practice in criminal cases. A judge tries a case, hears the evidence, hears the argument, and gives his decision. He may make a mistake, therefore it has been the British practice to afford a man an opportunity of having his case reheard. I cannot understand why any magistrate or any judge should be opposed to this Bill. If a judge trying a case tries it rightly and gives a correct decision,

it ought to be to his advantage to have his decision reaffirmed by the court of appeal. Persons in the community in which he lives might say: "This judge has been prejudiced, he has given a wrong decision, he has been actuated by unworthy motives;" but all that disappears if his decision is confirmed when the case is appealed. On the other hand, if the decision is reversed, it is reversed after it has been very carefully looked into by the court of appeal. Perhaps there has been an opportunity to introduce further evidence and to examine further points of law; and surely, if the court of appeal, after a careful survey of the whole case, decides that the judge below has erred, it is no reflection upon him. It gives to the poor man who is accused an opportunity of having his case put right if the trial judge in the first instance made a mistake.

I think this Bill is worthy of the most careful consideration. I think that the Parliament of Canada, with the wide powers which it has with regard to these matters, would do well to consider very carefully the legislation that has been passed in other countries, the effects of such legislation and the reasons for it, and to look into this Bill carefully before turning it down. As I have pointed out, this Bill does not go nearly as far as the British law of criminal appeal goes. We are only making the first step in the direction of an appeal in criminal cases, and there is no doubt in my mind at all but that it will not be very long before our Parliament will provide that a man accused of a crime shall be given the same wide and ample rights of appeal that a British subject receives in England. The United States, where conditions are very similar to what they are in Canada, has gone in the same direction; and if we hesitate very much longer in providing an appeal in criminal cases, it might be said that we are behind the times. I never in all my life heard a judge say, and I do not believe that any judge ever thought for a moment, that because there was a provision for re-hearing in an appeal a case which he had tried, that was any reflection upon him. We have in this country a bench of judges of the very highest reputation. They are all men of honour and of ability, and I am sure the honourable gentleman who introduced this Bill, and I myself, would not for one moment take any step that would reflect upon them. But this Bill is based upon the principle that nobody is infallible, and that when a man's liberty, honour, and reputation, which are more sacred to him