have a new trial, and having a new trial before twelve of his countrymen and being acquitted, he would go free. But this section, though not warranting the conduct of the Minister of Justice, goes much further than was, in my opinion, necessary. It allows the Minister to make an inquiry; he need only entertain a doubt, he need not be convinced of the innocence of the man. He may grant a new trial where, but for the section, he would have felt it his duty to advise a pardon. A new trial is a substitute for either a remission or a commutation of sentence. It gives the widest possible scope, after sentence, to the Minister of Justice. He may make inquiry if he thinks fit to hear new evidence, but again I repeat, only after sentence. Now, I am to some extent in the dark as to the application made to the Minister of Justice, because he has not furnished me with the affidavits. But from what the Minister told me, and which I took down in shorthand, if he had let me see the papers I should possibly have objected to the locus standi of the applicants, and denied his jurisdiction to hear an application for a new trial until after sentence. It is perfectly clear, from the remark he made bearing on evidence, that he considered the weight of evidence, and I would remind the Minister that by section 747 a new trial may be applied for to the Court of Appeal on the ground that the verdict is contrary to the weight of evidence. Was it a fit thing, then, for the Minister of Justice to come to an ex parte decision on so important a point? Did he consult his colleague, the Solicitor General, an experienced criminal lawyer? Did he get a report from any of his officers, from Mr. Power, for instance? The affidavit of the accused impugns the jury. Should not the Minister of Justice have heard the other side, if he was to hear the case at all? Was the Minister of Justice as well able to judge of the weight of evidence as those who heard it given in open court? I press this further view on the Prime Minister, who is himself a lawyer. Section 747 provides an appeal to the Court of Appeal on the ground that the verdict was contrary to the evidence, and by implication excludes the Minister from entertaining an application against conviction on the ground that it was contrary to the evidence? There is no provision on record for revising the decision of the Minister of Justice. He can do as he pleases, yet I think he is not justified in hearing an application in regard to a possible sentence that is still in the future. I wish to show what his position is. He was not courteous in regard to this matter, and I am sorry for it. When I was in the habit of meeting him as a member of the House I always met the hon. and learned gentleman on good terms, and had the highest opinion of him. I am surprised at his action, because I always found Mr. Mills a courteous member in this House, and the impression he left on me was that he was a courteous and kind-natured man. The hon. Minister certainly promised me the affidavit. But I have got it, though not from him. That affidavit read as follows:—

(1) That the trial of Skelton and others took place on the 29th and 30th of October, 1897.

(2) That the parties have reason to believe that the persons comprising the said panel were not indifferently chosen, but that the party who furnished the names thereof to the trial judge was biased and suggested names with a view to empanel a jury that would be unfavourable to any of the accused.

(3) That of the said list five were Liberals and the remainder Conservatives, and that the deponents are convinced that the majority of the persons so selected and placed on the panel comprise those and those only that had a bias against the persons charged.

(4) Of the five Liberals on the said panel, the Crown prosecutor challenged four, and directed one to stand aside.

(6) One of the jurors rendering the verdict was Charles DeGear, a dismissed Dominion official.

(7) The private prosecutor, Mercer, was also a dismissed Dominion official, and he retained an advocate associated with the Crown prosecutor. That objection being raised to the appearance of the said advocate, Mackenzie, the Crown prosecutor informed the learned judge that Mackenzie was associated with him in such prosecution, took part in the trial examination, and cross-examined witnesses.

(8) That the deponents are convinced that the accused did not have a fair or impartial trial, and verily believe that they are not guilty of the charge preferred against them, and believe that if they had been tried by impartial jurymen they would have been acquitted.

(9) That the defendants first elected to be tried by jury, but after the panel was exhibited elected to be tried by the judge without a jury, but the judge refused to try the accused without the intervention of the jury.

The Crown prosecutor is a strong Liberal, and, therefore, could have no party feelings. That is the affidavit which is in the Department of Justice, and has been received by the Minister; and if my information is correct, he saw Skelton when here and heard him make his argument. In the middle of May, Skelton was before Inspector Bazin, J.P., in Battleford, accused of cattle stealing. He asked to be sworn, and in the course of his remarks he said that he was a person who had considerable influence with the Liberal party—and he would seem to have considerable influence with the Liberal party if, with a sentence for perjury hanging over his head, he could come to Ottawa and be heard by the Department of Justice, and get the Minister of Justice to do the extraordinary act of hearing an application presumably under section 748, which only authorizes the Minister of Justice to hear an application if the sentence has been completed. I want to call the attention of the House to what took place when these men were tried. This is the indictment: