

was said in his presence in relation to his mother Julie Ouellet. It is further to be observed that the child states that he informed G  noff   Th  riault of what had been said before him, in presence of Philom  ne Boul  , and a child of Fabien Boul  , and that he also told his mother. It cannot be presumed that he was a long time before making these communications ; and in fact upon referring to the evidence of G  noff   Th  riault, (1) it will be found that in a conversation with her sister, the female prisoner, she mentioned the statement made to her by the boy in relation to this box.

Upon referring to the evidence of Philom  ne Boul  , (2) it will be found that, among other things, she says : " Upon the Wednesday preceeding the death of Sophie Talbot, the boy Narcisse Th  riault, who is now about six years old, stated to me and to G  noff   Th  riault that the prisoner had given a little red box to C  sar  e Th  riault, and that he thought it was to poison his mother, Julie Ouellet."

This evidence has been strongly objected to, notwithstanding the authority to the effect that " the declarations of a witness at another time may be adduced to invalidate or confirm his evidence by showing that he varies in his statements, or has maintained a uniform consistency in his narration. (3)

It is also to be remarked that in the conversations mentioned in this evidence, the one with the female prisoner, and the other with the prisoner, neither the one nor the other denies the statements made by the child to the effect that he had seen the prisoner give a little box to the female prisoner ; it is true that she denied this in the first place, but admitted afterwards that she had got a box, but that it was a box of peppermints which her *beau* had sent her, which was proved

(1) *Supra* p. 216.

(2) *Supra* p. 216.

(3) 1 Chitty's Criminal Law, 569.