of the accused applying, when the case is a serious one and in all capital cases, to the Minister of Justice ; and if he is not willing to have the sentence commuted, at least he may be willing to grant a new trial. I do not think the Minister of Justice will do so in every case—I know he will not. I do not say that in every case where he granted a new trial, it should not have been granted ; but it is a power that should not be given to the Minister of Justice, to sit in his room in the Eastern Block of the Parliament Buildings and there hear persons who come on behalf of an accused, who has perhaps been convicted of a capital offence, as in the case to which I have referred, and hear all their evidence. Affidavits may be presented, that are perhaps false ; it is perhaps asserted that evidence has been found stating different facts, and some paltry excuse made for the fact that this evidence was not given on the trial ; and with this power in the hands of the Minister of Justice, it being possible for the Minister to grant a new trial, the House can easily see that the Minister might be induced to grant a new trial, and in any case where this course is taken it is possible that an absolute failure of justice may follow. No one who has had to do, as all members of the House have had to do, with the Department of Justice, has been exempt from calls made on him on behalf of prisoners. In very many cases their sentences are not interfered with, but objections are made all the same, and all the influence or supposed influence that can be brought to bear on members is first used to intercede with the Minister of Justice in behalf of these persons. All these things are done now, and how much more will they be done when it is known—although all people are supposed to know the law, this provision has not been much known until the case to which I alluded arose—that the Minister of Justice can interfere. Very many more attempts will be made to bring pressure on the Minister of Justice when the accused has friends willing and able to make the application. At all events this section ought to be seriously discussed and seriously considered before we allow it to remain on the Statute-book. I can easily understand that the Minister of Justice might not wish to possess power of that kind ; it is a tremendous power ; it is the power of the Court of Appeal embodied in one individual, exercised without argument, in the sense of a legal argument, and the application is dealt with by him when pressed by friends of the accused ; and while perhaps the Minister might not be willing to go the length of recommending executive clemency, yet he might not be willing to take the responsibility of allowing the sentence to go into effect and therefore might grant him a new trial. If a new trial were granted, there might be an absolute failure of justice. In suggesting these amendments and giving notice of the Bill, I know there are some points that hon. gentlemen cover with Bills now before the House, and there are other points suggested as amendments to the Criminal Code. If it be possible to add clauses in committee to meet such cases, I submit that these amendments ought to be made.

I believe that in sections 181 and 182 the word "reputation" ought to be used, instead of "character," because, of course, "reputation" is the important matter in a thing of this kind ; "character" is what a person is, "reputation" is what is said of him, and reputation has more to do in a matter of that kind than character. I put it to the judgment of the House, whether there is anything in my suggestion in that regard. Then, section 182 makes this offence complete only when committed under a promise of marriage. Any lawyer here who has practice in the courts of Ontario, will agree with me that this section has been frittered away by the manner in which the judges have dealt with it. For instance, it is said that that offence cannot be committed except committed at the time and under the influence of a promise of marriage. It seems to me that that is absurd. If the relation of engaged persons exists between the two, and if the promise of marriage is existing at the time, that surely ought to be all that is necessary, and so I would suggest that, instead of the words used in the code, some such words as these ought to be substituted:

While the promise of marriage exists——

Or :

Under the promise of marriage and while they are in an engaged relation.

That would prevent the possibility of it being held that, in order to make it an offence, it must be committed just following the promise of marriage. Another very important point is this : Under section 743, the trial judge may reserve a question of law for the Court of Appeal, and in Ontario the Court of Appeal for this purpose is made any division of the High Court of Justice. In the case of the Queen vs. Williams (reported), the Queen's Bench Division decided that the depositions taken before the coroner are admissible in evidence on the trial of the accused, and as against the accused. This decision was given under the Canada Evidence Act. In the Williams case, the trial judge reserved the legal point for the Queen's Bench Division, and they decided as I have stated, and the conviction stood. Then Hammond was tried for the murder of Katie Tough, and he was convicted. The depositions before the coroner were admitted in that case, following the decision in Queen vs. Williams, although there had been a decision the other way by Chief Justice Meredith in the Queen vs. Hendershott. Still, as there was a considered judgment in the case of the Queen vs.