

cally taking the case out of his (the Attorney-General's) hands, he must be left to take his own course. To supply a private prosecutor with funds when the Attorney-General had power to act, and was willing to act, was an unheard-of proceeding.

Accordingly, at the Assizes held before Mr. Justice Osler, Mr. Du Vernet proceeded with his action, and from the course pursued it would appear that Mr. Du Vernet was more anxious to give to the public through the medium of the Court the affidavit made by Mr. Patrick Galvin, which partook in some respects of the same characteristics as other affidavits made for political purposes than to punish the offenders.

During the first day of the trial objection was taken to the power of one Judge to try the case, and Mr. Justice Osler, after fuller consideration, decided that he had no jurisdiction and so the trial was postponed until the end of January. Here Mr. Du Vernet's zeal has redounded to the benefit of the offenders. Had he not wantonly interfered with the Attorney-General's Department, the offenders would have been brought to justice long ago and, if found guilty, punished as they deserved. By superseding the Attorney-General in the first place and by bringing the case before the wrong Court in the second place, he has thwarted the ends of justice; perhaps not intentionally, but that is the result of his action. Much ado is made because the Crown Attorney at the Sault declined to act with Mr. Du Vernet. "The fact is that when the case was brought before Mr. Justice Osler at the Assize Court on Oct. 17, the Crown Attorney, Mr. Simpson, explained that prior to his appointment to that office, ten days previously, he had been solicitor for the respondent in the trial of the election petition, and the Judge stated very emphatically that under the circumstances it would be improper for him to act. Had there been no interference by a private prosecutor, the case would have been tried before the proper Court, and another council would have been appointed to act for the Crown Attorney."