

Mr. BORDEN (Halifax). And I read in the hon. gentleman's hearing the statement of Mr. Justice Ritchie—

Mr. McGREGOR. Did the judge give two written opinions?

Mr. BORDEN (Halifax). I am endeavouring to deal just now with the Minister of Marine and Fisheries, and I will deal with my learned friend (Mr. McGregor) later on. I am pointing out that in the report sent to this Government in response to the Minister of Justice, Mr. Justice Ritchie says that there might have been or should have been a verdict of manslaughter. I will get his exact words, I read them before.

The MINISTER OF MARINE AND FISHERIES. I did not hear it.

Mr. BORDEN (Halifax). Then, the hon. gentleman should not have undertaken to deal with it.

The MINISTER OF MARINE AND FISHERIES. I tell the hon. gentleman that it never came before the Government. A report of Mr. Justice Ritchie which came before the Government, and on which we acted, stated that the evidence was consistent with the man's innocence.

Mr. BORDEN (Halifax). The hon. gentleman, perhaps, does not understand me. I read here in the presence of the hon. gentleman what Mr. Justice Ritchie said about the verdict of manslaughter, and I said that, after I had read that report and brought it to his attention, the hon. gentleman rose in his place in the House and said that any such view as that would be preposterous. And I have said that, when the hon. gentleman undertakes to speak of courtesy, he might bear in mind that it is not a very courteous way to speak of one of the judges of the country, of whose Government he is a member. Now, the hon. gentleman went further and said that the facts stated in this confession were consistent with the evidence given at the trial. I suppose he did not hear me when I read from the report of Mr. Justice Ritchie that the statements were not consistent with several of the facts brought out in evidence at the trial. My hon. friend seems to think that there is no question in this case except whether the man was guilty of murder or wholly innocent, that no question of manslaughter can arise. Let me point out to my hon. friend the position of this boy. He must remember, in dealing with the question of motive, that the boy had denied his guilt and only makes his confession after he had been convicted. This is a most important circumstance to be taken into consideration in connection with the motive or in connection with the facts that might lead to manslaughter. Suppose he was using his gun in a reckless and negligent manner. Does the hon. gentle-

man mean to say that he would not be guilty of manslaughter unless—

The MINISTER OF MARINE AND FISHERIES. Unless you prove, and there was not a scintilla of evidence to show that, he had handled his gun in that way that would make him guilty of manslaughter.

Mr. BORDEN (Halifax). I am glad the hon. gentleman says that, because it leads up to what I was coming to. When you have the facts proved by the jury and found by the jury that this boy, with the gun in his hand, shot his man, and the only defence put forward was that he did not have the gun in his hand, and did not shoot this man, the burden of proof was on the boy to show that the shooting was accidental.

The MINISTER OF MARINE AND FISHERIES. That is new law to me.

Mr. BORDEN (Halifax). If one man brings another to his death by means of shooting, and there is no explanation given of the shooting, or the reason for it, the jury are perfectly justified in bringing in a verdict of murder or of manslaughter. In a case of that kind where the death is proved of one man at the hands of another, that is an end of the question. The burden of proof after that, so far as motive is concerned, is upon the prisoner himself, if he wants to get rid of a verdict of manslaughter, at least. In this case my hon. friend seems to put out of sight altogether the fact that the very ground on which this man was discharged from prison by the Government, was not put forward by the prisoner at the trial, and the jury were not asked by him to pass upon it. That is a point which my hon. and learned friend has not met, and it is for that reason chiefly that I say that any extension of the clemency of the Crown should have been by granting a new trial.

Mr. McCLURE. I would not venture to say a word on this subject except that I have some personal knowledge of the circumstances which it is evident some hon. gentlemen who have addressed the House, are not familiar with. I am bound to say at the outset that the hon. member for Halifax (Mr. Borden) is perfectly correct when he says that the decision of the Department of Justice was received with considerable surprise. I entirely concur with the hon. member for Pictou (Sir Charles Hibbert Tupper) in saying that nobody ever expected such a decision, and nobody ever asked for it. But I am bound to say also that I do not think that the hon. gentleman has presented any clear or conclusive argument to show that the decision is wrong. He undertakes to say that the decision of the Department of Justice is in some respects inconsistent with the report of the