

The most extraordinary thing to my mind is, that, assuming this story to be true, the prisoner allowed the inquest and other investigations to go on without giving any information, when his evidence and a carefully conducted examination of the locality made within a day or two of the death would in all probability have satisfied the public of the correctness of his statement. He does not give one the idea of his being a nervous boy, or one that would be unduly alarmed at a matter of this kind. During the whole trial he seemed very cool and collected, and was apparently the most unconcerned person in the court-room, but I should judge not in the slightest degree wanting in intelligence.

Therefore, you have a boy, who, according to the learned judge was of remarkable self-possession for one of his age, and not in the slightest degree wanting in intelligence, a boy who throughout the case, from beginning to end, puts forward the theory that he had nothing to do with the killing of this man, and who, when he is convicted puts forward this unsworn statement and finds it cogent enough to enable the Minister of Justice to send him out of prison without further investigation.

If the jury were satisfied that Deron came to his death by the discharge of a gun in the prisoner's hands, I thought the verdict should have been one of manslaughter only, as I supposed the death was caused by the careless use of the gun in firing at something near the public highway.

That explains, as I said it would explain, the remarks of the learned judge at the trial that he did not agree with the verdict of the jury. He did not agree with that verdict for the simple reason that the killing was probably a case of manslaughter—that it was mere recklessness on the part of the boy, who possibly had no intention of killing the man, but aimed at him in mere recklessness or had been guilty of such carelessness as to constitute the crime of manslaughter. But the learned judge did not indicate in any way that the boy should be discharged as an innocent person—for the effect of the remission of the sentence is to give a verdict of innocence after the jury had given a verdict finding him guilty, and properly finding him guilty upon the only line of defence that he put forward at the trial.

But if the confession of the prisoner is to be believed, the alleged offence is not a culpable homicide and he should be discharged.

But does any one suggest that the Minister of Justice should assume the function of a jury and try the case upon the unsworn statement of this boy, upon a confession which, if it could be used, if it could be brought forward in favour of the boy could only be brought forward, it seems to me, as a reason for giving him a further trial in respect of a defence which he might and should have put forward at the trial of the action.

Now, it seems to me that this case, after all, lies within a very narrow compass. It is now admitted as a matter of fact that

this boy shot the Armenian, though he persistently denied it until after the trial. According to his counsel he did not even indicate this line of defence to his counsel, either at the inquest or during the trial. He did not ask the jury to pass upon this question of accidental shooting. The only question in the case upon the evidence and the admitted facts is whether or not the shooting by this boy was accidental, and that is a plea which the boy, though defended by able counsel, did not put forward at the trial at all.

Now, the jury upon the abundant evidence—of a circumstantial character, it is true—because Mr. Power, in his report, admits that the circumstantial evidence was sufficient to justify the verdict of the jury that it was by the discharge of a gun in that boy's hands this man came to his death, then the jury, upon abundant evidence of a circumstantial character, found him guilty. He now puts forward in defence his confession which, according to the view of the learned judge at the trial, is not consistent with the evidence which was given at the trial in many important respects. Then, what is the position of the Minister of Justice? Let us turn to his report, which is to be found at page 29 of the documents which have been brought down. In the first place, he quotes that concluding portion of the report of Mr. Justice Ritchie, which I have already read to the House, and then he says:

Upon a careful perusal of the evidence taken at the trial, the undersigned concurs in the view expressed by the learned trial judge in the conclusion of his report, that the facts proved are entirely consistent with the view that the killing of Deron was unintentional and unpremeditated.

It appears that the learned and hon. Minister of Justice has fallen into an error as to what the judge's view really was. He seems to think that the view of the judge was that the prisoner should be discharged and sentence should be remitted. On the contrary, the judge explains in his statement that his view was that the prisoner should have been convicted of manslaughter. I must say in explanation of the remarks I have already made, the report of the Minister of Justice that I now for the first time observe that he apparently did not receive the report of Mr. Justice Ritchie until after he had ordered this prisoner's discharge; in fact, he got this prisoner discharged. I believe, almost before counsel had time to earn his fee by coming up from Truro to be heard. The prisoner was discharged without waiting for a report from the trial judge with respect to his view of the confession—because I observe that the report of Mr. Justice Ritchie upon the confession is dated the 26th of February, and it is on the 24th or 26th that the telegram is sent down to discharge the prisoner. Indeed, this was not a case which could wait the