

Perhaps the prisoner's silence militates somewhat against this view, but that may, I think, be accounted for by his fear of the consequences if his story were not believed. He was only seventeen years old.

As I said before, the boy's confession was sent to Mr. Justice Ritchie, and he has reported upon it, and that report I will read, because I think it is important.

It being Six o'clock, the Speaker left the Chair.

After Recess.

THIRD READINGS.

Bill (No. 126) respecting the Saskatchewan Railway and Mining Company, and to change its name to the Saskatchewan Pacific Railway and Mining Company.—(Mr. Landerkin.)

Bill (No. 125) to incorporate the Ottawa Interprovincial Bridge Company.—(Mr. Belcourt.)

Bill (No. 137) to revive and amend the Acts respecting the International Radial Railway Company.—(Mr. MacPherson.)

PRIVATE BILLS.

Mr. MONK. I desire to ask the Prime Minister if he has decided anything in relation to the Bill referring to the Champlain and Chambly Canal?

The PRIME MINISTER (Sir Wilfrid Laurier). I have not. I propose to deal with that the next time we take up the consideration of private Bills, as well as with two other Bills that I have asked to be allowed to stand, those relating to the Dawson City Electric Lighting and Tramway Company and the Dawson City Electric Company.

House again resolved itself into Committee of Supply.

(In the Committee.)

LYMAN DARTT—REMISSION OF SENTENCE.

Mr. BORDEN (Halifax). Mr. Chairman, I was about to bring to the attention of the House the report of Mr. Justice Ritchie on the prisoner's confession. That report is to be found on page 41 of the documents that have been brought down, and it is as follows:—

Sir,—I have the honour to acknowledge the receipt of a communication from the Deputy Minister of Justice, inclosing a confession of Lyman Dartt and other papers. These papers did not reach me until late this afternoon, probably in consequence of the detention of the trains by the snow.

I have fully read over Dartt's confession, with the annexed affidavits, and would submit the following observations:—

The story is somewhat improbable, but no doubt the homicide might have happened as

Mr. BORDEN (Halifax).

stated by Dartt. There are also some inconsistencies between his story and the evidence given in the case, but a more careful inquiry might fully remove them.

The hon. Minister of Justice states in his report to Council that the confession is quite in accordance with the evidence given in the case. But Mr. Justice Ritchie says there are some inconsistencies between Dartt's story and the facts brought out in evidence. And now he proceeds to point out what they are:

For instance, Fisher Creek Hill is where the boys were standing. Their evidence is that the man (now presumably the prisoner) came out of the bushes near the Casey house, and passed along the road towards Green Oak, followed by Deron, who was only a short distance behind him, until they both passed out of sight of the boys. If the prisoner went into the woods again, and he must have done so if his story is correct, it was some distance from Fisher Creek Hill. He could only have remained in the woods a very short time, not long enough to hunt for any game, or Deron, who was close behind him, would have passed along the road and got beyond all danger.

After the men got out of sight, two of the boys followed them, and when they got to the Casey house they heard the gun and saw the smoke.

So, in that very remarkable and important particular, the confession of the prisoner which the Minister of Justice says is in accordance with the evidence, the trial judge says is not in accordance with the evidence at all.

The reason given for loading with ball does not commend itself to me. I don't know what view a jury would take of it, and it may be the true reason.

Indicating most conclusively that he did not think the Minister of Justice would assume the function of a jury, and on the strength of an unsworn statement deal with a matter that should be dealt with on sworn evidence in the presence of the prosecutor for the Crown and subject to cross-examination.

The country is open, with no extensive woods near it, and the probability of there being a bear there at all, or even a fox so close to the highway at that time of day, is extremely slight.

As regards the direction of the shot, &c., it is impossible to premise anything without having the spot where the gun was discharged carefully examined, and the difference in level between that spot and the place where the body was found definitely ascertained.

Well, as I understand the report to Council of the Minister of Justice, he imagines that all these matters are so definitely set forth in the statement of the boy given by way of confession that he is in a position to deal with them. The trial judge has the correct view, that you cannot deal with matters of that kind until you have accurate measurements made and further evidence given. Then the learned judge continues as follows, with a great deal of force:—