

afforded the defence the opportunity of comparing the statements against each other and with the evidence adduced at the trial. If necessary the author of the statements could have been cross-examined on the statements. (In Canada—s.10, Canada Evidence Act.)

The Mahadeo case was recently followed in Vancouver, B.C., on or about Dec. 12, 1957, in *R. v. Sommers et al*, "Conspiracy to commit an offence"—"Bribery of Public Official". The Crown had supplied the defence with a statement of a proposed Crown witness made shortly prior to the Preliminary Hearing which was in progress. Approximately two years before the Preliminary Hearing the witness had been interviewed by an Inspector of the RCMP. The defence applied to be furnished with all statements made by the witness during the investigation. Police Magistrate Oscar Orr, Q.C. ruled the defence be supplied with all statements made by the proposed witness.

It is interesting to note that the learned Police Magistrate stated in his Judgment:

"The principle laid down in *Mahadeo v. The King*, is for criminal cases and I suppose has no application at all to civil cases, *nor perhaps to a criminal case where no statements had been supplied to the defence.*"

From perusal of case law as it now stands, it would appear there is no obligation to give the defence any statements of witnesses, but the defence should be supplied with the "substance" of the Crown's case. However, if the Crown does give the defence a statement by a proposed Crown witness, *all* statements made by that witness should be furnished. *Exhibits*—Exhibits which the Crown proposes to introduce as evidence would appear to be encompassed by the interpretation of the phrase, "substantially the evidence". (*R. v. Bohozuk* (*supra*)). On request, the defence should be advised of the existence and substance of the exhibits. (See s.512(a) C.C.).



THE MILDEST BEST-TASTING CIGARETTE