

case, endeavored to establish that Defendants had been cruel to Hozanna Lapierre, another child of the male Defendant. The Court ruled that this evidence was inadmissible as irrelevant to the issues. (Taylor on Evidence, vol. 1, 9th. ed. page 235, sect. 326).

The Crown, in cross-examination of the female prisoner, questioned her as to her treatment of Hozanna Lapierre. His Honor notified the Crown counsel, in allowing the question, that the answer of the prisoner, examined as a witness on this fact foreign to the issue, must be accepted as final. Rebecca Roy swore that she had never acted cruelly towards Hozanna, her step-son. Later, in rebuttal, the Crown put the boy Hozanna into the witness box, to contradict the female prisoner, and the Court, relying upon the authority of Taylor on Evidence, 9th. Edition, page 947, vol. 2, sec. 1435, refused to allow the boy to testify. Taylor says: "The answer of a witness respecting any fact *irrelevant to the issue* will be conclusive, and no such question can be put to a witness on cross-examination, for the *mere purpose of impeaching his credit by contradicting him.*"

The evidence being closed, Mr. Bélanger, counsel for the prisoners moved that they be discharged, inasmuch, as no filiation had been proved and the age of the child had not been established. In answer Mr. Broderick, for the Crown, urged that it was of no moment in this case, that the Crown was not relying for the conviction of the prisoners under Articles 210 and 215 of the Criminal Code, that Article 232 covered the case and upon that, and that alone, was the prosecution based. The Court ordered the defence to proceed, and after the addresses of counsel for the defence and for the Crown, His Honour charged the Jury, that it was their duty to ignore the question of filiation which had not been established; he further instructed them, that the age of the child had