



# CANADIAN CRIMINAL EVIDENCE

A Manual of instruction upon the admissibility and use of evidence  
in criminal cases with "Briefs" on evidence.

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## BRIEFS ON EVIDENCE CANADA EVIDENCE ACT

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SECOND EDITION

BY

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Snow's Criminal Code (5th edition)

Daly's Canadian Criminal Procedure and Practice (3rd edition)

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## Preface

### Second edition

A new edition of this work has become necessary owing to the large number of cases decided in recent years on matters of evidence. Rules of evidence play an important part in criminal trials. Recently the courts have been very much concerned with the directions to the jury on matters of evidence (see *Azoulay v. The Queen* (S. Ct. Can.) (1952), 15 C.R. 181, 1952 Can. Abr. 200; *Kelsey v. The Queen* (S. Ct. Can.) (1953), 16 C.R. 119; *Regina v. Hladiy* (Ont. Ct. of App.) 15 C.R. 255, [1952] O.R. 879, 104 C.C.C. 235, 1952 Can. Abr. 199; *Latour v. The King* (S. Ct. Can.), [1951] S.C.R. 19, 11 C.R. 1, 98 C.C.C. 258, [1951] 1 D.L.R. 834, 1951 Can. Abr. 199; *Rex v. Harrison* (1951), 1 W.W.R. (N.S.) 158 at p. 160, 11 C.R. 250, 99 C.C.C. 96, 1951 Can. Abr. 201). The rule relating to the evidence of an accomplice has been before the Supreme Court of Canada (see *Lopatinsky v. The King*, [1948] S.C.R. 220). The nature and sufficiency of corroboration has also been considered by the Supreme Court of Canada (see *Lizotte v. The King*, [1951] S.C.R. 115; *McIntyre v. The King*, [1945] S.C.R. 134; *Macdonald v. The King*, [1947] S.C.R. 90; *Thomas v. The Queen*, 15 C.R. 1, 103 C.C.C. 193, [1952] 4 D.L.R. 306, 1952 Can. Abr. 171). The admissibility and use of "complaints" by the prosecutrix in a sexual case has also been reviewed by the courts (see *Rex v. Lebrun*, [1951] O.R. 387, 12 C.R. 31, 100 C.C.C. 16, 1951 Can. Abr. 177; *Thomas v. The Queen* (*supra*); *Rex v. Calhoun*, [1949] O.R. 180, 7 C.R. 306, 93 C.C.C. 289, 1949 Can. Abr. 164). These and many other cases indicate the necessity for keeping up to date on such matters as accomplices and their evidence, and upon the rules regarding complaints, corroboration and circumstantial evidence.

It is hoped that this new edition will afford some assistance to the practising lawyer in finding the law of evidence in regard to criminal trials. It has been pointed out previously in the original work and in the supplements which have been consolidated in this issue, that the whole policy of the criminal law is to see that the accused has a fair trial. The law of evidence plays an important part in achieving this object and a good working knowledge of the underlying principles is essential in order that there shall be a fair trial on proper evidence. One of the functions of a Court of Appeal is to decide whether or not the accused has had a fair trial on proper evidence. *Northey v. The King*, [1948] S.C.R. 135, 5 C.R. 386, 91 C.C.C. 193, [1948] 3 D.L.R. 145, 1948 Can. Abr. 191.

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