

ently under the impression that I have some sympathy with the criminal; I wish to assure him that I have not the slightest. I did not speak on the subject, but other hon. gentlemen gave the reason why they did not think the accused himself should be forced to go into the box, or that his wife should be compelled to go into the box. We are not without experience on this point of taking a verdict from a number of jurors less than the whole number. A few years ago it was looked upon as necessary that the jury should be unanimous in civil cases. I do not know just how long ago the change was made, in Nova Scotia, but I think it was some 30 years ago. In that province the jury in civil cases consists of nine persons, and seven out of the nine can find a verdict. There has never been any complaint of the operation of the law, and it has worked most satisfactorily. No one would dream of going back to the old law. When we consider all the advantages that have been conferred upon accused persons of late years, not least amongst them the advantages which are secured by the Bill respecting Criminal Evidence which passed through this House the other day, we shall not be going too far at all, in fact not far enough, if we adopt this amendment. No one could accuse us of going too far, if we say that eleven out of twelve jurors shall be allowed to find a verdict of guilty. I, therefore, move that the schedule be amended by inserting the following before the last line on the first page after section 728, as section 728a:—

It shall not hereafter be necessary that the jury shall be unanimous in a criminal case, and a verdict of guilty may be returned notwithstanding the dissent of one juror.

Hon. Mr. KAULBACH—Would you not qualify that by adding “after being out of their box a certain length of time?”

Hon. Mr. POWER—You can add “after four hours’ deliberation,” if you think it well, but I do not see any particular object.

Hon. Mr. GOWAN—I am inclined to favour the hon. gentleman’s proposition, if it came up as a distinct, independent question. I do not say so positively, but the inclination of my mind would be rather in the direction he points. I think, however, it would be exceedingly dangerous at this time to make such a vital alteration as this in

respect to procedure. It would involve a thorough examination of the whole Act. I am not prepared to discuss such a subject now, but I think it would be perilous to bring it in at this time. We would have to see how it would fit in with the rest of the Code, and possibly it might cause the loss of the Bill when it went back to the Commons. I shall certainly be obliged at this period of the session to vote against it.

Hon. Mr. KAULBACH—We are making substantial alterations in the Bill now before us, and I do not see why this amendment should not be made at the same time. I think the change is a good one. It is a question which has been canvassed amongst the members of the Bar and the Bench for the last year or more, and my own experience has been that often the ends of justice have not been accomplished in consequence of some obstinate jurymen being determined to stand out against all reason, and even against the judge’s charge to the jury. Such a man may prevent the ends of justice being accomplished. If the words are added “after four hours’ deliberation,” I think we could very safely pass the Bill. If, however, the passing of this amendment by us would delay or defeat the Bill, that should end the matter: otherwise I am in favour of it, and shall vote for it.

Hon. Mr. ANGERS—I cannot accept the amendment proposed by the hon. gentleman from Halifax. Even if it had been proposed at another stage of the session I am opposed to such a principle in criminal matters—the principle of receiving the verdict of only a majority of the jury.

Hon. Mr. POWER—This is not a mere majority: it is all except one.

Hon. Mr. ANGERS—Well, of the large majority, the verdict of eleven out of twelve; in principle I am opposed to that. It is not desirable in a country like ours, composed of different nationalities, where we have, especially in the province of Quebec, often a special provision for a mixed jury, that there should be any opportunity to distinguish between those who agree and those who disagree on the jury. It rarely occurs that a case has to be tried a second time on account of the jury not being able to agree upon the verdict. I do not think it occurs