

Appeal and a new trial ordered. In those two cases much interest was evinced and partisans were cropping up among the people every day on one side or on the other. Everybody knows that challenge for cause may be exercised in any case provided the challenge is made immediately upon the juror being called. But that is not the case before the House to-day. When the first juror is called, if he is challenged for cause or challenged peremptorily by the defence, that ends his case. As far as the Crown is concerned, peremptory challenges are limited to four. The Crown has the privilege of setting aside as many jurors as it may think fit; that is the law under section 933 which we now propose to amend. Supposing out of the forty the Crown should challenge a certain number, either peremptorily or for cause. Here is where the view of the hon. gentleman who preceded me is not in accordance with the law and the jurisprudence. When the jurors who have been put aside are recalled, they are bound to serve, whether the Crown desires it or not. Important decisions, which I claim to be good law, bear out this principle.

Mr. DOHERTY: That is the protection that I want to keep for the prisoners.

Mr. WILSON: But suppose out of the panel of forty, twenty are challenged for cause and a certain number are challenged peremptorily. You may reach a condition where you will not have any one set aside to be called. Then what will happen? Talesmen will have to be brought in. I see no reason why the Crown should be limited to forty, or even one hundred. In the murder cases to which I referred, no politics was involved; it was not during a time of election; it was not a question of Conservative, Liberal, or Nationalist. It was an extraordinary case in an ordinary time. We had to resort a couple of times to talesmen, sending out to the streets in the vicinity of the court house and securing men apparently qualified to serve as jurors. Any man is qualified as a talesman; you do not have to resort to the secret lists kept by the sheriff. I have known instances where it was found necessary to call 100 or 150 men in order to reach the number required by law. Of course, we have to presume, as has been said by an hon. member, that the people have the greatest confidence in the judiciary at large. But I have seen many cases where the Crown prosecutor has so far forgot himself as to become a partisan in the sense mentioned by the member for

North Simcoe. However, I shall await the explanation of the minister that should have been given at first. En passant, it is not fair to the House that a measure of this importance should be launched without the minister's giving an explanation of the main reason at least why it is introduced.

Mr. DOHERTY: As to the criticism of my not having explained the Bill, I have to express my great regret that I am not as prompt a riser as the member for St. John City (Mr. Pugsley). The Speaker had just put the motion and was asking the usual question whether the motion should be adopted when the member for St. John rose.

Mr. CARVELL: May I intervene for one moment? I was not here when this debate started, but I am just told that there was a ruling—I do not understand why—that the Minister of Justice has the right to close the debate.

Mr. PUGSLEY: He moved the second reading of the Bill without any explanation.

Mr. CARVELL: I should like to say a word on this subject, if the minister will allow me.

Mr. DOHERTY: Certainly. I have no desire to preclude anybody from speaking.

Mr. CARVELL: One of my friends told me that if the minister spoke I would be precluded from making any remarks.

Mr. PUGSLEY: The minister said something which requires a word from me. I hope he would not suggest that I had any thought of speaking before he explained the Bill. The Speaker put the question; the minister did not rise; thereupon I rose and made my remarks.

Mr. DOHERTY: I do not say that everything was not done in good faith. I do not suggest that the hon. gentleman meant to preclude my speaking, but that is just what happened. As the Speaker was concluding, I did not rise as promptly as I might have, and the member for St. John rose. I do not suggest that he intended to preclude me; I quite understand that he supposed that I did not mean to speak. To be quite frank, it did not occur to me at the moment—for reasons which I will explain when I come to reply—that this measure called for explanation. Some things that have been said since make it rather clear to me, however, that it did.

Mr. CARVELL: Were it not for the peculiar circumstances under which this legislation was introduced, the minister