

the tail, and to inject the poison of imputation upon myself—condensed from suggestions of some other hon. gentlemen—which I venture to believe has had nothing in view but the necessity of trying to convert into a means of creation of political ammunition a measure intended simply to protect the rights of our citizens before the courts of the country, and to see that they were placed under the guarding protection of the court itself, which we have been reproached for not respecting. Hon. gentlemen and distinguished lawyers have spoken of this measure as changing the law as it operated throughout the country up to this date. In certain provinces the right of the Crown to challenge had been limited to a lesser number than forty-eight by legislation fixing the number of the panel, and that provision will be in force after this law shall have been passed. Hon. gentlemen from those provinces have not hesitated, with others who come from provinces where that limitation has not existed, to complain about this extraordinary change in the law that is going to degrade the administration of justice. The member for Laval (Mr. Wilson) a most distinguished practitioner in the criminal courts, and the member for Rouville (Mr. Lemieux) a former Solicitor General of this country, are of the opinion that a measure that will cause the administration of justice throughout the Dominion to be carried on as it has been carried on in their province and my province as long as I can remember, is a measure to degrade the administration of justice. Hon. gentlemen, would I think, do well to ascertain what the law is before they undertake to pronounce to what degree it is going to be degraded.

This Bill will create a uniform rule throughout the Dominion of Canada in regard to a matter of procedure in criminal cases which, admittedly, is a matter within the legislative competency of this Parliament. Hon. gentlemen say that it will degrade the administration of justice. Before the existence of the legislation enacted by Manitoba—which is not being affected in any way by this legislation—four out of the nine provinces of the Dominion limited the number of jurors that could be summoned upon a panel. In Quebec, as the member for Laval has pointed out, the general limitation is to forty, a lesser number than forty-eight, to which we propose to limit not the number of jurors, but the number of challenges. This legislation proposes to limit simply the number of challenges.

[Mr. Doherty.]

Mr. C. A. WILSON: No.

Mr. DOHERTY: I wonder if my hon. friend has read the Bill?

Mr. WILSON: The Bill reads:

Provided that the Crown may not direct any number of jurors to stand by.

That is not a limitation of the number of challenges.

Mr. DOHERTY: This legislation proposes to limit the number of stand-bys, but not to affect the number of jurors to be summoned. My using the word "challenge" was a slip.

Mr. CARVELL: In his notification to the Manitoba Government the minister said that unless they would agree not to enforce their legislation as to the number of jurors to be summoned, he would be compelled to disallow the legislation.

Mr. DOHERTY: I shall come to that and I shall give the truthful explanation. Although he once in a while speaks strongly, when the exigencies of the case require it, I look upon the member for Carleton as a fair-minded man and a competent lawyer. I am sure that the reasons for the proposal of this legislation will appeal to my hon. friend as they should appeal to any man desirous of seeing that absolute fairness is maintained in the administration of the criminal law as between the Crown and the accused. This legislation puts in the hands of the court the protection of that absolute fairness, yet it is suggested that the measure is intended to reflect upon the judiciary of this country. But the measure leaves the judge to determine the number of challenges, just as the legislation of the province of Manitoba left to him the determination of the number of jurors to be summoned. This legislation is not defeating the legislation of Manitoba; it is simply carrying that legislation out to its logical consequence. The legislation of Manitoba is that the judge is the proper person to determine the number of jurors; this legislation is that under those circumstances the judge is the proper person to determine the number of stand-bys that the Crown is to have. It was brought to my attention that the legislation of Manitoba had created a situation where a judge might order a panel of a very large number. I have never suggested, and I do not now suggest, that that legislation in itself was either unconstitutional or undesirable—mark you, I say in itself. My attention having been drawn to the subject by the legislation of