

is a rise in wages the men are always disposed to refuse to go to sea—you will always find them unwilling to submit to the articles that they sign. They are ready to say that the ship is unseaworthy, and thus delay the sailing. This clause is to provide that there must be some good ground for charging that the vessel is unseaworthy.

Hon. Mr. POWER—Is it the experience in Quebec that sailors prosecute the owner or master for sending a ship to sea in an unseaworthy condition? Our experience in Halifax is that the crew, under such circumstances, refuse to go. Then when they are brought before a magistrate they plead that the ship is unseaworthy.

Hon. Mr. ANGERS—If it is made an indictable offence they will avail themselves of that means of prosecuting because the public would have to bear the expense of the prosecution.

The clause was adopted.

Hon. Mr. POWER—I have an amendment which I wish to submit to the committee at this point. I propose to restore the recommendation made by the joint committee who had this Criminal Code under consideration last session. It will come in as a section just following section 728. Sections 727, 728 and 729 deal with the jury, and the amendment which I propose has regard to the jury. I may mention that this amendment, or an amendment a good deal stronger than the one I am about to propose, was unanimously recommended by the joint committee which had this Code under consideration last session. It will be remembered by hon. gentlemen that the Code was considered in the House of Commons at a very late period in the session and the Minister of Justice, who, I was informed and verily believe, was in favour of this change, thought that at that stage in the session it was perhaps advisable not to push the matter, and after the prorogation of Parliament the Department of Justice caused inquiries to be sent to the various judges throughout the country and answers were got from a number of them. I was informed by the gentleman who was Deputy-Minister of Justice at the close of last session, that these answers were nearly equally divided. The proposition reported by the joint Committee

was that in case the jury was composed of 12 members, 10 jurors could find a verdict in a criminal case. The Deputy-Minister of Justice in sending out his inquiries to the Judges unfortunately worded the provision differently, and the inquiry sent round to the Judges was whether they thought it desirable that 9 out of 10 instead of 10 out of 12 should be allowed to find a verdict of guilty. To that inquiry, as I say, the answers which came in were about equally divided. The proposition which I am about to make does not go as far as the recommendation of the Committee of last session. My proposition is simply that it shall not be necessary that the jury shall be unanimous, but that the verdict of guilty may be returned even though one member of the jury dissents. Hon. gentlemen are all perfectly aware that the ends of justice are continually defeated by some one juror who is either obstinate or a crank, or perhaps in sympathy with the criminal. A crime is committed, reasonable evidence is produced of the guilt of some particular person, and that person is brought before the magistrate; the magistrate finds there is sufficient *prima facie* evidence to commit him; he is committed and afterwards he is brought before the Grand Jury. The Grand Jury as a rule seem to think it their duty to find that the circumstances are very strongly in favour of the innocence of the accused. In fact, in a great many cases the grand jury refuse to find bills against a man of whose guilt there is very little doubt. So, justice, as you see, has to run this gauntlet. There is first the committal by the magistrate, then the case comes before the grand jury, and then the trial before the petit jury. The evidence may be so clear that the judge and eleven jurors and every one in the court are satisfied of the prisoner's guilt, but if there happen to be on that jury a man who may be a connection or a friend of the accused, a crank of some sort, or a man with peculiar views as to capital punishment, or an anarchist, or an enemy of society, that one man can render all the expense and trouble that has been taken utterly useless, and defeat the ends of justice and turn the miscreant out to prey upon society. Now, hon. gentlemen, I do not think that state of things should be allowed to continue. The hon. Minister of Agriculture when we were discussing the Bill with respect to criminal evidence, if I may be allowed to refer to that matter, was appar-