accused was innocent. In the majority of cases it would not be to his injury, but to his advantage. He could conceive of some cases—they had occurred in his own experience in civil suits—in which an innocent man, owing to his nervous habit, great excitement at the time, or unhappy mode of giving testimony, was placed rather at a disadvantage than otherwise; but those cases were so very few that, upon the whole, the innocent party who was telling the truth would be in a better position by having an opportunity of giving evidence. In criminal cases, however, under the present law, following the practice obtaining in England, the jury, as a general rule, presumed that the prisoner was innocent, which circumstance was not unfrequently skilfully used by his counsel, who suggested to the jury what might have been said if the prisoner had been allowed to give evidence as a witness, and that presumption, which was sometimes strained, was, in his opinion, quite as great a security, though not as legitimate an one, as the possibility of giving his evidence. He thought the general impression of those conversant with criminal trials was that there were very few cases indeed in which innocent persons were convicted, and such cases were so rare that they could hardly be taken into account. His belief was that the cases in which guilty persons escaped preponderated very much over those in which innocent persons were convicted, and, believing as he did, that the fear of cross-examination was such that the story of the prisoner, if untrue, would be demonstrated to be so, he thought that this law could not be calculated to be in favour of the escape of the guilty, though he thought the existing securities for the innocent were as powerful as, and perhaps more powerful, than the protection obtained by the prisoner telling his own story. Upon the whole, he believed that the main difficulty in the question was to be found in the question of perjury, in the very great temptation which already existed in civil cases, and still more in criminal cases, not to tell the truth. He was satisfied that there was one class of cases in which the accused might be allowed to give evidence, namely, that of assaults between parties to which there were no witnesses. All those considerations left the question in an exceedingly perplexing condition, and his view was that public opinion was not ripe for the introduction of such a system as that proposed. If there was a practical defect in the criminal law, it was rather that the guilty escaped than that the innocent were convicted. That being the state of affairs, he thought Parliament could wait for some time to come—although he did not say that it should wait for an Act to be passed in Great Britain in order to produce a more logical state of things in the Statute-book, and in order to produce more efficient means of convicting the guilty—before the country tried the measure to which the hon. member for North York (Mr. Dymond) proposed to commit the House. He would therefore second the view expressed that the order should be discharged.

Mr. DYMOND said the arguments of hon. members were more favourable to going beyond his proposal than to stopping short of it, and to advocate the examination of wives and husbands of accused persons. He moved that the order be discharged.

Order *discharged* and Bill *withdrawn*.

House adjourned at
Thirty minutes after
Ten o'clock.

HOUSE OF COMMONS.

Friday, 9th March, 1877.

The Speaker took the chair at Three o'clock.

COAL OWNERS' PETITION COMMITTEE.

NAME ADDED.

Mr. MACKAY (Cape Breton) moved that the name of the hon. member for Hants be added to the Committee appointed with reference to the Coal Owners' petition.

Motion *agreed to.*