

different rule might be invoked. There does not seem to be any question, having regard to the proper administration of justice, and seeing that the whole matter of criminal administration has been vested by the British North America Act, and by practice in the provincial attorneys general and the courts that the criminal law will be better administered through the courts and the legislatures which have to deal with the matter. The legislation proposed by my hon. friend is entirely unnecessary. I am surprised that at this session, at this time, in these days and after this House has had such a protracted sitting, we should be asked to turn aside from the consideration of serious and grave questions and devote ourselves to a proposition to overturn and disarrange the whole criminal procedure of this country simply and solely because my hon. friend's friends were on trial in Manitoba, and because my hon. friend's intimation that he proposed to disallow the Act was resented by the attorney general of the province of Manitoba and he is afraid to disallow it. Why should we, in this left-handed way, undertake to interfere with the well settled jurisdiction and practice in regard to juries standing aside for reasons of that kind?

Mr. MORPHY: I would not have risen to say a word in regard to this Bill were it not for the fact that there has been no explanation made of it. I shall not follow the line of the hon. member for Pictou (Mr. Macdonald) but in the absence of any reason being shown why the Bill should go through, I have been struck with the total lack of necessity for it. Without going deeply into the matter, it strikes me that throughout Canada to-day there is absolute confidence in the judiciary, speaking at large. Most legal men have gone their ways professionally having the fullest confidence in the judiciary and in the exercise by the judiciary of a reasonable opinion.

This Bill has, in my opinion, a vicious feature. The prerogative of the Crown throughout the whole of Canada has been exercised fairly, and being so exercised, the public mind has been brought, I think, generally to the conclusion that the public right is fairly administered by the judges and by the Crown. To such an extent do I believe that to be true that I am prepared to say here that, instead of decreasing the prerogative and right of the Crown as this Bill decidedly attempts to do, that prerogative and right over criminal matters

of trial before a jury should be increased rather than decreased. This Bill is going to tie the hands of the Crown, possibly in important cases which may go to the very fundamental root of the administration of justice, and such a condition might arise, if this Bill becomes law, that the judge, the jury, and the court are absolutely tied up in such a way that the jury, which ought to be constituted for a fair trial of a criminal indictment, cannot be so constituted.

Mr. PUGSLEY: Hear, hear.

Mr. MORPHY: The great difficulty, I think, as a member of this House, in voting upon a Bill of this kind is that I am forced to take just such views as I take from a careful reading of this three-line section, which apparently covers so little space, but means so much, involving essentially a radical change in the administration of justice, and especially since we are accustomed upon the second reading of Bills in this House, to have some explanation. My remarks must be taken as expressed without having heard one syllable of a reason of any kind from the hon. Minister of Justice as to why he has introduced this Bill. I, therefore, reserve my right to vote upon this Bill as I see fit, upon receiving the reply of the Minister of Justice. If the reply is satisfactory to me I will support the measure, and if not, I will vote against it.

Mr. CURRIE: It seems a little out of place for an ordinary layman to express an opinion on a Bill of this kind, but it seems to me, after my experience politically, that there should be some limit placed on the number of jurors that the Crown, when seeking to attain a political end, should have the right to ask to stand aside without cause. I recollect one of the first trials of the character that occurred in Ontario, when Mr. Hartley Dewart, who is now one of the leading Liberals in the province of Ontario, was acting for the Crown in the case of Robert Gamey, and he called seventeen jurors to stand aside, in order that he might be able to get men on that jury that would give a verdict favourable to the Government that was then toppling to its fall and which, in a few months after, was driven from office by the people of the province. The same thing has occurred in the sister province of Manitoba. Men were ordered to stand aside until the Attorney General was sure that the men he was putting into the box would