

fit of the doubt and return a verdict of acquittal. The whole of that observation would be cut away from us.

I know, and there are many here who know perfectly well, what has been the effect of men of far greater learning and far greater experience than jurymen of the knowledge that there is an appeal. It has at times led judges of the highest position short of your Lordship's House to approach their duties without the same feeling of responsibility as they otherwise would, and it has in times past been pointed out that cases have been allowed to be conducted rather slackly because they were going to the Court of Appeal. If this Bill becomes law in its present shape, I am satisfied that juries will know and feel that the responsibility is no longer theirs, and that it will make them less careful how they deal with questions of innocence and guilt. At present juries do err; they err on the side of acquittal. There are many cases in which people are acquitted by juries who, if justice were done, ought to have been convicted. The tendency, if this Bill passes, must be for juries to feel their responsibility much less.

Will your Lordships for a moment consider what is the danger to an innocent man? What is the position when the verdict goes before the tribunal of three or five judges? Are your Lordships to be satisfied with the standard which now prevails in every case where the jury have decided the question of fact? The only circumstances under which the Court of Appeal may now order a new trial when there has been a verdict of a jury, is when the Court have come to the conclusion that the verdict was one which no jury could reasonably have found. In criminal cases not only will there have been previous investigation, but in ninety-cases out of 100 no judge will allow a case to go to a jury unless there is substantial evidence against the prisoner. What will be the position of the Court of Appeal? They will have before them the verdict of a jury who have seen the witnesses; they will have before them the verdict of a jury presumably on a proper direction, because if there is misdirection there ought to be an appeal.

But I ask your Lordships to consider the peril of an inno-