The question in England at that time, discussed as it had been by the magazines of the day, and on the floor of Parliament, was not in such a shape that this Committee dared to undertake to state, as their opinion, being the result of their labors—like other men of other countries, and in the country to which they belonged—that this reform should take place. If it will not trouble the House, I would like to read from that report, because it is, at the very basis of the discussion to-day, the remarks that the Commission which was appointed for that purpose made in reference to this feature of the Criminal Code of the Bill—and the feature of the Bill which is now before this House:

"We have passed over section 523, which enables the accused to offer himself as a witness. The Bill contained a clause (section 368) enabling the accused to make an unsworn statement on his own behalf, subjecting him to cross-examination of a restricted character. For this we have substituted"——

I may here say that the substituted section corresponds with the principle of the section before us, excepting that it applied, as I stated before, to all indictable offences, and was not confined to misdemeanors.

"Section 523, which renders the accused, and the husband or wife of the accused, competent witnesses for the defence. As regards the policy of a change in the law, so important, we are divided in opinion. The considerations in favor of and against the change have been frequently discussed, and are well known. On the whole, we are of opinion that if the accused is to be admitted to give evidence on his own behalf, he should do so on the same conditions as other witnesses, subject to some special protection in regard to cross-examination."

Now, as I stated before, the Lord Advocate of Scotland, shortly after this report was made, published a review of the subject, and thus criticised this part of that report:

"The code prepared by the Criminal Law Commissioners offers what to my thinking is an unsatisfactory compromise of the question. The proposal is that the accused person should be entitled to tender himself for examination, and should be subject to cross-examination by the prosecution, but that the prosecution should not be entitled to examine the accused in the first instance. This was, in effect, giving an option to the prisoner—not only as to whether he should answer the questions, but as to whether any question shall be put to him. I see no reason why the feelings of an accused person should be consulted to this extent."

Well, after that, when the matter came before the public, it met with very hostile criticism. Lord Justice Brett very virulently opposed any change of the kind as a most dangerous innovation. In a charge to a grand jury at one of the Assizes, he came out very strongly indeed against the principle of that portion of the Bill *in toto;* and other eminent men have also discussed this subject at great length; and, finally, what was the result? In June, 1880, as the result of the labors of these eminent men, Attorney-General Sir John Holker introduced a Bill, and if this is examined, it will be seen that the Attorney-General omitted entirely this clause, which evoked such an interesting and hostile discussion in the country. Well, as we are all aware, the labors of the House of Commons were then very onerous with regard to other important matters, and the whole subject of the Criminal Code was necessarily dropped at that Session. Later on, as late as 1882, a Bill was introduced by the Attorney-General of the day, who, in discussing the question, and in going over the whole matter previous to the introduction of the Bill, omitted all reference to the question which we are now considering, and he neither explains why he did not include it in the Bill, nor did he take up the question and offer it for discussion on the floor of the House then; but he brought in a large Bill on criminal procedure, which, he said, was based upon the report to which I have referred, and from which he had largely drawn most of its clauses. But it will be found, as I have stated, he said the then feeling in England was not ripe for such an extraordinary change in the Criminal Laws of the realm. Now, I do not wish to occupy the time of the House in discussing the pros and the cons of this question. As I have already stated to the House, it is a question which I am aware has been most ably discussed on both sides, and it is a question which has necessarily occasioned able arguments on both sides. We know that very important States in the American Union have adopted this change, this reform, years ago; but I think that they were in a different situation, as regards ideas of law, though they still retain the Common Law of England, than we are, or the people of England are, for, if both before and since Confederation these British Colonies have most zealously adhered to anything in connection with Great Britain, it is in reference to criminal legislation; and I think we frequently hear the strongest arguments that can fortify any proposal in this House, and notably in regard to the reform proposed in this Bill, with respect to people who cannot conscientiously take an ordinary oath, are based upon some Bill introduced in the Imperial House of Commons—and rightly, too; because the whole world can regard with pride, not only the criminal legislation of that kingdom, but also the effective and efficient manner in which it is carried out, not only in ordinary times, but also in the different crises which there occur—such, for instance, as the manner in which the laws are administered in England to-day—and the extraordinary manner in which crime is not only investigated, but the fair and impartial manner in which criminals are tried, and the speedy justice which is administered in every criminal court of that kingdom. It is a matter of just pride, not only to the Englishmen at home, but to the Britishers here, that the Criminal Laws of that country stand so well in comparison with the laws of other countries. We will compare them in connection with the general view of this question. Taking the experience of the American States, is there a man in this House, is there a man who wishes to advocate the passage of such a measure as this, who would compare for one moment the experience of the criminal courts of the American States, which have adopted this law, with the manner in which the Criminal Laws are administered at home? I venture to say that no man standing here would point with any confidence to the history, under this law in any State of the Union, and challenge comparison with that of Great Britain; and in those respects, the laws, as I say, are widely different. At the root of it all comes the difference between the criminal legislation of the continent and that of Great Britain. Years ago, the system of torture in Great Britain in criminal matters, which for a long time disgraced the European continent, existed; it consisted in torturing prisoners, and under it innocent people were often compelled to convict themselves by a long and persistent procedure. If one wanted to go very fully into this matter, he could mention cases such as where a prisoner—in France—not many years ago, under that barbarous system, was, day after day, and night after night, questioned and cross-questioned, and told time and time again, in the most emphatic manner,—it was stated, and repeated, and persisted in, that she was guilty of the offence; they were simply working upon her feelings—mesmerising if you like—persistently arguing with her, and charging her with the crime, and to get rid of the worry and the trouble to which she was subjected she confessed that she had committed the crime. After the law had been carried into execution it was discovered that she was entirely innocent of the crime and unconnected with it in any respect whatever. This, it will be said, is an extreme case, but the principle is the same—the principle of putting a man, often a weak, ignorant, and illiterate man, in the box, and allowing an able Attorney-General, experienced in cross-examination, who, no matter how impartial he may be and how properly he may administer his duties, is nearly always of the opinion, from constant practice in prosecuting, that any man who is put in the criminal docket is a guilty man. I say that I defy an innocent person, and particularly an ignorant or illiterate person, to undergo such an ordeal for several hours without breaking down in