

law, but because the Imperial Parliament have seen fit not to pass it yet, we ought not to adopt it here. I do not believe in that doctrine. I do not think we should always follow the lead of English lawyers or the leading strings of the Mother Country in matters of this kind. If the principle is a sound one and the Bill is a good one, it should become law. It has received the sanction of the English Parliament several times; it passed the English House of Lords in 1885 without a dissenting voice, or rather a Bill of which this one is an exact transcript. It passed the second reading during the present Session of the present Parliament in England, I believe without a dissenting voice, and with the almost unanimous assent of the English Law Lords, all of whom, with few exceptions, pronounced strongly in its favor. The principle of the Bill has been assented to in this Parliament on four different occasions, and on each occasion with the assent of the First Minister. It passed through every stage of this House during last Session; it passed the second reading by a majority of 32, and it was finally passed in this House and sent to the Senate, but owing to the late period at which it was sent there and the pressure of other important business, it did not receive very much consideration at their hands and the Bill was dropped without a division. After having already received the sanction of this Parliament, I do not see upon what ground it should not again receive the sanction of this House. If the principle is a sound one, and the Bill ought to become law, why should we wait another year—what does the Minister of Justice expect to gain by waiting another year? I will only refer to some of the observations made by several of the English law lords when this Bill was before the English House of Lords for the third time. It was introduced during the present Session of the Imperial Parliament by Lord Bramwell, and a similar Bill was introduced in the House of Commons. The Bill introduced by Lord Bramwell received its second reading on the 10th of March last, and on pressing it on the House of Lords Lord Bramwell made use of the following words:

"Of all persons in the world the man who knew best whether an accused person was guilty or not was the man who was charged with an offence, and yet under the present law that was precisely the man whose mouth was closely shut. It must be a most grievous thing to an accused person that when he could prove his innocence he was not allowed to give evidence. Already steps in the direction of allowing an accused person to give evidence in his own behalf have been taken to a limited extent, and this Bill merely proposed to go further in that path. The principle of the measure had been recognised in the Criminal Law Amendment Act which was passed in the last Session of Parliament. The part of the law of evidence which he proposed to repeal was the last remnant of the very unreasonable condition of that law which existed some fifty years ago."

Why, Sir, it is the law of England now—not to the full extent it is true, but in many cases of felony and misdemeanor. We know that in 1871 the principle was recognised by the English Parliament in the Plimsol Act which made it an offence to send an unseaworthy ship to sea, and for such an offence the accused person could give evidence on his own behalf. Under the English election law a person accused of an offence under that law may give evidence on his own behalf. On an indictment under the English Explosives' Act the person accused can give evidence on his own behalf. Under the law passed last Session by the Imperial Parliament for the better protection of women and girls, a law which created new offences, some misdemeanors, and some felonies, the person accused is a competent witness in his own behalf. The principle has been recognised in Canada. In 1868, I think it was, a Bill was passed by the Parliament of Canada making a person indicted for assault a competent witness in his own behalf. A year or two subsequently the provisions of that Bill were extended to men indicted for assault and battery, and they can now give evidence in their own behalf. Under our election law a man can give evidence on his own behalf, and to-night a

Mr. CAMERON (Huron).

Bill has passed this House of Commons, with the assent of the Minister of Justice, creating new offences, some misdemeanors and some felonies, and on an indictment for any one of these offences, the defendant can be a witness on his own behalf. Now, I say it is an extraordinary proposition that having recognised this principle in cases of felony and misdemeanor in England and in Canada as well, we should not now make it the law of the land. Upon that discussion in the House of Lords on the 10th of March last, Viscount Cranbrook said:

"He felt bound to say that it was by a gradual growth in his own mind that he had come to the conclusion that what had already been done in that direction it was almost inevitable that they should go still further. The principle of that Bill had been partially introduced already in some cases. The precedent of the Explosives' Act had been mentioned. It was introduced into a measure which was carried in the House last year; and if it were accepted to meet the difficulty of getting evidence in some instances they could hardly reject it in others."

Lord Fitzgerald said:

"He believed that there was no noble and learned lord present who had a larger experience of the criminal law than he had. The result of his long experience had induced him to believe that the present state of the law inflicted a good deal of hardship, and not infrequently much injustice. In many cases where a prisoner had been tried on a serious charge the accused might have been able to dispose of the whole case against him if the state of the law had allowed him to go into the witness box and be subjected to examination. Many convictions indeed, were passed because the accused person was not allowed to give evidence. The Bill being intended to remedy this state of things, he would give it his support. If a prisoner was competent to be heard as a witness they ought to get rid of all those hindrances which at present prevented his going into the witness box, and which sometimes led to the accused being unjustly convicted."

The Lord Chancellor of England pronounced strongly in its favor, and the late Lord Chancellor in the Session of 1885 gave his opinion very strongly in favor of this measure. The Lord Chancellor in the late Conservative Government also pronounced in favor of the principle of the Bill; and with the almost unanimous opinion of the first lawyers practising at the English bar, the first judges on the English bench, and nearly all the Law Lords of the House of Lords in favor of the Bill. It does appear to me extraordinary that it should be opposed now. The hon. Minister of Justice also pronounces in favor of the principle of the Bill. And yet, as I understand, the hon. gentleman intends to oppose its second reading. I have heard no reasons from the hon. gentleman why it should not receive a second reading. If the Government undertake to deal with the question, I would gladly give it up to them. I believe the principle of this Bill is a sound one, and ought to have formed part of our legislation long ago. Every year it is left off our Statute-book, a great injustice is done. Suppose before Parliament meets again some unfortunate should be improperly convicted because he could not tell his own story—and we know from the testimony of some of the first men in England that that has taken place over and over again—it would not be a very pleasant or agreeable reflection for the Minister of Justice or any other hon. member that that injustice was simply due to our refusal to pass a Bill which a large majority in this House admit is based on a sound principle. If any amendments can be made to perfect the Bill, I would be glad to receive them; but in the meantime I desire to press the second reading of the Bill.

House divided.

YEAS:

Messieurs

Allen,  
Armstrong,  
Auger,  
Bain (Wenworth),  
Beaty,  
Bécharé,  
Burnham,  
Burpee,  
Cameron (Huron),

Glen,  
Guay,  
Gunn,  
Harley,  
Hilliard,  
Holton,  
Innes,  
Irvine,  
Kilvert,

McNeill,  
Mills,  
O'Brien,  
Paterson (Brant),  
Platt,  
Ray,  
Rinfret,  
Robertson (Shelburne),  
Scriven,