

Mr. CARVELL: The horse was there when you started to lock the door, but he got out.

Mr. DOHERTY: I am not aware of what horse the hon. gentleman refers to.

Mr. PUGSLEY: What does the minister refer to?

Mr. DOHERTY: I have done with any discussion on questions of motives. I leave the hon. gentlemen to their vile motives—

Some hon. MEMBERS: Order, order.

Mr. DOHERTY: —to get along together as well as they know how. We cannot, in this civilized Canada, in Parliament, discuss a question of what is the best system of trial by jury without hon. gentlemen seeking to interrupt even explanations by coming back to the old stories.

Mr. McKENZIE: I rise to a point of order, because it is well that a precedent should be established. I do not think it is competent for a member of Parliament to speak of his fellow members in debate in this House as having vile motives. The minister says we are left to our vile motives. I want to know if that is permissible in this House.

Mr. SPEAKER: It is six o'clock, I shall give my ruling when the House resumes.

Mr. DOHERTY: I said that hon. gentleman had attributed to me vile motives.

Mr. CARVELL: Oh, no.

Mr. DOHERTY: If I am mistaken hon. gentlemen will correct me. I congratulate the hon. member for St. John on his devotion to the exactitudes.

At six o'clock the House took recess.

### After Recess.

The House resumed at eight o'clock.

Mr. SPEAKER: At six o'clock the hon. member for North Cape Breton and Victoria (Mr. McKenzie) rose to a point of order with respect to the remarks made by the hon. Minister of Justice. As I understood the position and the language of the hon. minister at that time, it was that he was complaining that motives had been attributed to him by some hon. members, and that if they could be properly attributed to him such action on his part would be vile. But, in order to make it perfectly clear, I have examined the transcript of the Hansard reporters' notes, and I find the following:

Mr. Doherty: I have done with any discussion on questions of motives. I leave the hon. gentlemen to their vile motives.

In my judgment the language is not parliamentary, and ought to be withdrawn.

Mr. DOHERTY: I bow to your ruling, and withdraw the particular words as they appear in Hansard, with all the greater pleasure, because I had intended to say what you, Mr. Speaker, stated that you understood I intended to convey. I notice that the words appear in Hansard "vile motives". In speaking of their "vile motives," I may say that all that I had in mind was the motives they attributed to me, and if any hon. gentleman thinks it of sufficient importance, if he will look back to what I did say, he will see that I had imputed no motives to anybody. What I intended to say was that I had done with this question of motives, the question being the motives attributed to myself, and that I was quite willing to leave the hon. gentlemen who had imputed these vile motives to me, which I may say they had elaborated, out of their own inner consciousness, to digest the vileness attributed to me as best they might. At any rate, perhaps they may find it more easy to digest, as we have had our dinner.

If we may come to the real question which, while it is important—I should not have introduced it if I had not thought it was important—it is certainly very different from what hon. gentlemen seem to understand it to be. I stated before the House rose at six o'clock that the idea that the extension of a panel to a very large number, carrying with it, as it would if our law be not amended, the right to "stand by" a very large number, was of a nature to work injustice to the accused, is not original with me. I have before me the history of things that happened in the past, and I will cite what Hallam says in his Constitutional History. He is dealing with the difficulties that arose in the fair and just application of the system of trial by jury, and he points out that prior to the revolution it had been the practice of the Crown, not merely to stand aside but to absolutely challenge, without giving any reasons, any number of jurors, and that this situation was found to be so abused that there was express legislation, even under Charles I, restricting the right of the Crown to challenge, to the right to challenge for cause. Even under that legislation the Crown sought to enlarge its privileges by claiming to reserve its challenges until all the panel had been called, and that is the ori-