probationers in 1958 had gone to prison the cost to the taxpayer would have been several millions of dollars, and the other collateral financial benefits to which I referred would not have been realized at all.

The province of Ontario has taken the lead in this country in the field of probation, has made most remarkable advances and has expanded its system to a marked degree. The province of British Columbia ranks second in terms of progress in this field. In 1942 British Columbia had one adult probation officer and one office, which I believe was located in Vancouver. Today that province has a probation personnel of about 35 and branch offices that number about 17. The results in both British Columbia and Ontario have been satisfactory and gratifying. I therefore repeat what I said at the outset. With a view to bringing about the establishment of uniformity in the probation system I recommend that our government consider the possibility of some form of intervention in this field.

There is one other matter I wish to briefly mention that is not related to probation but deals with another point altogether. This is a matter which I suggest be considered in the future by way of amendment to the Criminal Code. The change I would suggest is a change in the present requirement of the law that juries in criminal cases must be unanimous before rendering a verdict of either guilty or not guilty. After a long experience in the field and following some particularly trying experiences in criminal cases that resulted in disagreements—or, as the layman knows them, in "hung" juries—and I think I speak the minds of a number of my colleagues at the bar—I suggest that the Criminal Code be amended to provide that a majority verdict should be permitted to bring about an acquittal, though I firmly believe that if this were done the present requirement of unanimity in respect to conviction or a verdict of guilty should be retained.

My reason for taking that position is this. Under our laws, as hon. members well know, guilt cannot be proved except by evidence that establishes it beyond reasonable doubt. It is my belief that if the majority of jurors, particularly a substantial majority, are in doubt we cannot help but believe a reasonable doubt exists. On the other hand, where one juror retains a doubt it is my opinion that guilt could not then be deemed to have been established beyond a reasonable doubt. Sir James Stephen, a great English authority in the field of criminal jurisprudence, advocated the change years ago that I today recommend.

By way of illustration I want to show you the hardship that the present law in respect to unanimity so often works. Some of the hon. members, especially those from the Toronto area, will have read in the last few weeks about the famous Aconic trial, a prosecution that began, I think, early last fall, a trial that lasted six weeks, which resulted in a disagreement in which the majority of the jurors wished to give a verdict of acquittal. On the retrial the same result occurred after a four-week trial, when the jurors were 11 to 1 in favour of an acquittal, and one juror succeeded in preventing a verdict of not guilty from being rendered. A case of that sort emphasizes the enormous cost to the taxpayer of a prosecution of that kind and, of course, the very considerable cost and expense to the accused.

I can recall so well a case just a few months ago in which I was involved, involving a young boy of 20 or 21 who came from an excellent home. He had a fine past record, no record of any previous criminal conviction. He was charged with a rather trivial theft. He came before a jury and the jury retired to consider their verdict. In this case the proceedings took place in a rural community where court room facilities are such that the jury room is not as sound proof as in some of the urban areas. The spectators in the court room could not help being able to hear what was going on in the confines of the jury room.

These jurors were, as they ultimately disclosed, 11 to 1 in favour of acquitting this young boy who put forward a perfectly credible, valid defence; but one juror took the position that he would sit there—and I still remember him saying it—as he had often done at board meetings he had attended—until three in the morning before he would give in. He went on to say that if this young boy were acquitted other city youth would come up to the country in the summer time and vandalize their cottages. They were totally irrelevant considerations and obviously were not entitled to any weight, particularly in view of the strong feeling among all the other jurors in favour of an acquittal.

In both the cases I have cited, the Aconic case and the case of the young boy in which I personnally was involved as counsel, the Attorney General of Ontario, on an application to him, did what he of course had the power to do, namely direct a stay of proceedings in both indictments. These are only two illustrations of how the requirement about unanimity works hardship, and hon. members could be given many more.

I thank hon. members for the attention they have given my remarks. I commend them to the minister and to the government for such consideration as they feel they deserve.