

men the jurors to try the particular case were to be chosen. After the first month of the sitting, if the sitting of any particular term of the court lasted over a month, the judge was empowered to summon a second panel of forty-eight, if he deemed it necessary. Then an amendment was introduced on account of the increase in population in the province, and the increased criminal business, and for other special reasons. This amendment left it to the discretion of a judge of the Court of King's Bench to summon a larger number of jurors to attend at the assizes in the first instance, if it appeared to him to be necessary or expedient. In other words, where the Attorney General of the province found that on account of the number of cases to be disposed of at a particular term of the court, and on account of the seriousness or important character of those cases, a question might be raised as to the personnel of the jury, he had power to make an application to a judge of the Court of King's Bench, and the judge might order the summoning of an additional forty-eight men in the first instance. Shortly after this was past, and the first jury panel was summoned for the assizes in November, 1915, and in March, 1916. If the trial of the ex-ministers had come on within the first month of the assizes, the total panel could only have been forty-eight. What did my hon. friend do? He threatened the province of Manitoba with disallowance of the Act which gave the Court of King's Bench of that province the right to summon 96 men instead of 48 at the beginning of the term. Similar legislation exists in every province of the Dominion, and the House will see how perfectly reasonable and natural it should be that under the discretion of the court having regard to the number of cases and their importance, the number of jurors to be summoned at the beginning of the term should be left to the discretion of the judge. The Minister of Justice, however, threatened to disallow that legislation, alleging that the passing of it was contrary to the provisions of the British North America Act. I read from a very full statement of this matter in the Manitoba Free Press, which quotes from the answer given by Attorney General Hudson to the statement of the Minister of Justice upon the subject—

Mr. DOHERTY: Would it not be fairer to read my statement rather than to infer my statement from the answer of the Attorney General?

Mr. MACDONALD: I regret I have not my hon. friend's statement. I would like to discuss it.

Mr. DOHERTY: It was laid on the table of the House some time ago.

Mr. MACDONALD: Has the minister a copy of it?

Mr. DOHERTY: I have a copy of it, to which the hon. gentleman is quite welcome.

Mr. MACDONALD: The quotations which are made in this article were to the effect that the Minister of Justice spoke about the provisions of the Criminal Code being indirectly extended by means of local legislation so as possibly to produce injustice, and mentions his intention "to regulate in a manner compatible with justice the right of the prosecution to require jurors to stand by"—a right which he complains is uncontrolled judicially. Mr. Hudson, in his reply to the Dominion Government, says:

While he appreciates their solicitude on behalf of the prisoners now awaiting trial, the undersigned is of the opinion that the report of the Minister of Justice amounts to an attempt to interfere with the constitutional rights of the province, and while reflecting on the fairness of the prosecuting authorities in the province of Manitoba, entirely ignores the fact that the settling of the number of jurors to be summoned is left to the judges of the Court of King's Bench, and that they have no more power than has been given to and exercised by judges in the provinces of British Columbia, Alberta, Ontario, Nova Scotia, New Brunswick, the Yukon Territory and the North West Territories for many years.

That is the position which the Attorney General of Manitoba took in regard to my hon. friend's intimation that he proposed to disallow the passage of an Act which simply gave the judge power to direct the summoning of 96 men instead of 48. The Attorney General of Manitoba took the position that the number of men who were to compose the grand jury or the petty jury in any particular case is a matter which relates to the constitution of the court, and under the provisions of the British North America Act it became a matter which was under the control of the provincial government solely. As my hon. friend from St. John (Mr. Pugsley) pointed out, the Minister of Justice desisted from his threatened disallowance, and introduced this Bill instead. That is the history of the measure.

A great deal has been before the House arising from this question of maladministration in the province of Manitoba by certain provincial politicians, and I think my hon. friend is pushing the desire to assist his friends in that province beyond all reasonable limits when under those conditions, and at this time he undertakes to introduce legislation that would interfere with the whole course of criminal justice