

this legislation passed and the right of the Crown to stand by was limited to 48. That would give 24 for each side, and I think it would absolutely prevent a fair trial.

The hon. member for Simcoe raised a question which showed, I am afraid, that the Minister of Justice is actuated by the same motives as my hon. friend, but that may be a violent assumption, and perhaps not quite fair to the minister. However, the hon. member for Simcoe, as usual, got his mind back to political matters. It is impossible for him to rise above a question of politics. He stated that there should be a limit to what the Crown could do for political purposes. I should like to know how many political trials there are in Canada in a year as compared with the ordinary trials in the administration of justice. I do not suppose there would be one in ten thousand. Therefore, when we change the criminal law of Canada, we are not changing it for political purposes. We are supposed to be enacting here a law for the better administration of justice in this country. Does the Minister of Justice believe that a change such as he suggests would tend toward a better and more honest administration of criminal law in this country? I would like the minister, when he replies—and I think he will be compelled to say something now before this legislation goes through—to say whether he can point in all his experience on the bench or at the bar, and with all his knowledge of the criminal trials of Canada, to a single case in any province where there was the least suspicion of unfairness, except possibly in some political trial. I have not had the experience in criminal matters that probably my hon. friend has had, but I have some knowledge of what has taken place in my own province, and I have never heard it suggested in my life that the Crown was actuated by any other motive than to see justice done. I believe that in every case the Crown gives the accused the benefit of every reasonable doubt. I also know that the amendment passed by the province of Manitoba was nothing new in this country, because practically every other province already had the law that Manitoba was enacting. By section 92 of the British North America Act it is provided that the legislature may exclusively make laws in relation to

the administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.

[Mr. Carvell.]

Were it not for those last words I would say that this Parliament had no jurisdiction to pass this legislation. These words, however, may place it within our jurisdiction; the language is so broad and comprehensive. We know that the provincial legislatures have invariably provided as to the constitution of the grand and petit juries, and their right to do so has never been questioned. I have before me the laws of my own province, which go very much further than the law of Manitoba, against which my hon. friend complains, and against which he is introducing this legislation. Section 14 of Chapter 126 of the Consolidated Statutes of New Brunswick, 1903, says:

The presiding judge, or the judge appointed to preside, at any Circuit or County Court, or the Attorney General, may, at any time, direct the summoning of a grand or petit jury panel, or of a new grand or petit jury panel, or of an additional petit jury panel, and may direct that the number of petit jurors so to be summoned shall be any number not less than twenty-one in the Supreme Court.

That is, in our province, not only the presiding judge, but the Attorney General of the province also, has the power to direct the summoning of an additional jury panel. All that the legislation of Manitoba provided for was that the presiding judge should have that power, and yet my hon. friend complains against that. Two or three months ago I looked up the legislation of Ontario and of the other provinces, and I found that practically every province in Canada except Quebec has exactly the same law regarding juries as Manitoba passed, and against which my hon. friend is moving this amendment. I again ask the Minister of Justice to point to a single case in this country since Confederation where any person has claimed that an injustice has been done by reason of the Crown exercising this right of stand aside. But outside of that, I say that the circumstances under which this legislation has been introduced into this House and the correspondence which has passed between the two Governments regarding it, make it of such a character that it ought not to be pressed. It is against the dignity of Parliament; it brings the whole criminal law of this country into disrepute; it makes a political football of the enforcement of the criminal law. If people who find themselves in trouble in a province in Canada think they are going to have a hard time getting out of it, and are allowed to come to their political party in Parliament and say, "For God's sake change this law and put these fellows where they