

which is very often the case in murder trials. In this particular case, if I remember rightly, the late Mr. Justice King, who was Attorney General, had to get an order for 150 additional jurymen before he could say that he had a panel out of which there could be a selection which would give a fair and impartial verdict—fair and impartial towards the prisoners, and fair and impartial towards the people, for whom the Crown is acting. If his right had been limited to stand by only forty-eight of these jurymen it would have been very difficult indeed for him to have obtained such a jury as he could feel could be relied on to give a fair and impartial decision.

I do trust that my hon. friend the Minister of Justice, knowing by what has been reported in the press that these gentlemen in Manitoba are not to be re-tried, will drop this Bill. The cases in Manitoba have been dropped, and I repeat, I trust my hon. friend will drop this Bill. There is no need for it, no public necessity has been shown, no evils have ever resulted from this right in the criminal law. No evils have ever resulted from the fact that the legislatures of the different provinces have done the very thing which the Legislature of Manitoba has done, of giving the right to stand by a large number of jurors in exceptional cases where that is necessary for the fair administration of justice. I will ask the minister not to press this Bill, because he will find that it will enormously hamper in the discharge of their duties those who are charged, as the Attorney Generals of the different provinces are charged, with the administration of the criminal law, and in many cases it will actually paralyse the administration of criminal justice.

Mr. DOHERTY: In reply to my hon. friend—

Mr. SPEAKER: I must direct the attention of the House to the fact that if the Minister of Justice exercises his right to reply, it will preclude any other hon. member from speaking on this motion.

Mr. C. A. WILSON: What is the reason for this change in the law?

Mr. DOHERTY: I cannot give the reason without stopping everybody else from speaking, but if I may be permitted to make one remark—the hon. gentleman (Mr. Wilson) has practised in Quebec under a system where the limitation on the Crown is absolute.

Mr. C. A. WILSON: I will wait to offer my opinion until the Bill is in committee.

[Mr. Pugsley.]

Mr. PUGSLEY: Will you permit me, Sir, to make just one suggestion? The Minister of Justice has not yet taken advantage of his right to reply, which would preclude others from speaking. Might he not be permitted by unanimous consent of the House to give the reasons for this change in the law?

Mr. SPEAKER: It would be highly irregular to do that. The Minister of Justice has spoken in moving the motion, and there only remains to him the right to reply.

Mr. PROULX: Have there been any requests for this legislation by the attorneys general of any of the provinces?

Mr. DOHERTY: No, there have not been any. If I may be permitted to say—

Mr. SPEAKER: Order. If the hon. minister of Justice chooses to make his reply now he is at liberty to do so.

Mr. MACDONALD: This Bill is one which, on its face, is very innocent, but at the same time it is very serious, and it is most desirable that the country should know why this measure happens to be here. The Minister of Justice has just told us he had no request from any of the attorneys general that this measure should be passed, and in this busy session, with war problems, taxation questions, and other serious matters engaging our attention, it is certainly of importance that we should know why the Minister of Justice turns aside to introduce measures calculated and intended to upset that well-established jurisprudence in regard to criminal matters which has existed in this country ever since Confederation. The history of this matter begins with certain things that occurred in the province of Manitoba. Prosecutions were initiated in that province against Sir Rodmond Roblin, a former attorney general of Manitoba, and the former provincial treasurer, the Hon. Mr. Caldwell, in connection with certain acts of a criminal character amounting to conspiracy against the public weal, for which indictments were laid. Those gentlemen came for trial before the Supreme Court of the province of Manitoba. Under the law of that province which had been in existence for many years, the number of jurors to be summoned on the regular panel at criminal sittings of the court had been fixed at forty-eight. I may say that is the same number as is provided for in my own province, and is a number, which, under ordinary conditions, has been found to be convenient in various provinces. From that panel of forty-eight