

seemed to think that this would prevent any deliberation on the part of the jury. At the suggestion of the hon. member from Lunenburg I amended my motion by saying "after four hours' deliberation," so that eleven jurors could not find a verdict until after four hours' deliberation. That would give ample time for the twelfth juror to endeavour to convince the others and make them see things the way he did. The hon. gentleman from Barrie seems to think that this is a revolutionary change. I do not think any serious upheaval would result from it in the province of Ontario. I know none occurred in the province of Nova Scotia when it was provided that a certain number of the jury might find a verdict in civil cases, and a great many of those civil cases are of as vital importance as a criminal case. A civil suit may involve \$20,000, and a criminal case may only involve imprisonment for a short time. I would not care to discuss all the reasons urged by the hon. Minister why we should not pass this Bill. He said something with respect to mixed juries in the province of Quebec, the effect of which I did not altogether catch. In Quebec there are sometimes juries composed of French and English-speaking men.

Hon. Mr. ANGERS—Sometimes ten English and two French.

Hon. Mr. POWER—The hon. gentleman's idea is that the twelfth man might be the one Frenchman.

Hon. Mr. ANGERS—Or he might be an Irishman—worse.

Hon. Mr. POWER—Supposing the party accused is a Frenchman, is there not some provision in the law of Quebec which would hinder him from being tried by eleven English-speaking jurors?

Hon. Mr. ANGERS—If he chooses.

Hon. Mr. POWER—Probably he would choose.

Hon. Mr. ANGERS—It is a matter of choice.

Hon. Mr. POWER—With the accused?

Hon. Mr. ANGERS—Yes.

Hon. Mr. POWER—And if he is a French speaking man he will probably choose to be tried by a jury of his own nationality.

Hon. Mr. ANGERS—As a rule they prefer to be tried by a mixed jury.

Hon. Mr. POWER—Suppose he prefers six of each—suppose six Frenchmen and six Englishmen are on the jury and five of the Frenchmen think he is guilty and one Englishman thinks he is not guilty, who is hurt? Reverse the position and say there are six English and five French jurors who think one way and one Frenchman thinks the other way, can any one claim that wrong could be done if the verdict of the eleven men is taken in preference to the decision of the twelfth? I do not think that there is anything serious in that objection. It must be remembered that when I proposed this amendment I was not speaking merely for myself. As I have stated already, the Joint Committee composed of a number of professional men of both Houses, considered this Criminal Code very carefully last session and they unanimously recommended this change, after due consideration. To say that it is a revolutionary change and that it would not be proper to introduce it, is not fair or reasonable. It is not fair to that committee. I gave the House some of the reasons why it was not dealt with last session, and I forgot to mention this—I do not think it was said to me in confidence, but I was informed by a gentleman who is in a position to speak with authority, that if this amendment were made in the Senate the Government were prepared to accept it in the House of Commons.

Hon. Mr. ANGERS—I must tell the hon. gentleman that he is misinformed.

Hon. Mr. POWER—That was the understanding, I think, last session, and I do not know where the hon. gentleman gets his information, but I got mine this session from what I consider the very best authority, next to the Minister of Justice. Whether the same gentleman who informed me has informed the Minister I do not know. If he has, he has simply changed his opinion since he spoke to me. Another objection taken was that all the amendments made were merely verbal. Turn to the amendment at page 165 and you will see that there has been a clause added that is an entirely new enactment, just as much so as the one that I propose. I do not think there is any substantial reason why this amendment should