

in Manitoba and in which his political friends were interested. That is the whole question. It is not a question of whether this is necessary legislation or not. This is purely political legislation in accordance with the exigencies of the political party of which the minister finds himself a member. I am sorry for the minister, because I think he is a member of this Government who has tried properly to carry out the duties of his office as Minister of Justice, and I can quite understand my hon. friend did not have the face to stand before Parliament to-day and explain this Bill. That is the reason for his silence, rather than his lack of knowledge of the rules of procedure of the House of Commons.

Mr. DOHERTY: I am gradually acquiring courage.

Mr. CARVELL: To prove my statement, I will read to the minister the concluding paragraph of his report to Council of the 9th of December, 1916:

The Provincial Government is responsible for the administration of criminal justice in the province, and may therefore enunciate its intention in the application of the amendment in question. Your Excellency's Government is likewise responsible for its policy in the promotion of such amendments to the Criminal Code as will tend to avoid injustice in the application of its provisions to existing conditions. The undersigned upon careful consideration of the situation introduced by the recent amendment to the local laws, deems it his duty to advise that the right of the prosecution to select jurors for criminal cases cannot, compatibly with the ends of justice, be enlarged in such a manner as might result from the application of section 46a to the project of securing a panel of petit jurors subject to the rule enunciated in section 933 of the Criminal Code; and therefore for the avoidance of doubt, and with a view to the application of the law in accordance with what he conceives to be the reasonable purpose, he would be disposed to consider the propriety of disallowance unless the Lieutenant Governor of Manitoba be advised to give an assurance that his Government will see that, pending the consideration by Parliament of the provisions of the Criminal Code to which the undersigned has referred, the prosecuting authority shall not exercise any right to require jurors to stand aside at criminal trials in excess of that which would have been permissible if section 46a as enacted by the recent Act of Manitoba had not been passed.

The undersigned accordingly recommends that a copy of this report, if approved, be transmitted to the Lieutenant Governor of Manitoba, for the information of his Government, with a request for an early answer to the inquiry herein suggested.

Humbly submitted,
(Sgd.) Chas. Doherty,
Minister of Justice.

I do not believe that you can find in the annals of legislation or jurisprudence in

Canada such a document as I have read here, which I put forward as a copy of the memorandum submitted to the Privy Council of Canada, in which the minister says in effect to the Government of Manitoba: Important criminal trials are coming up, and unless you assure me that you will not apply the law as it stands to-day, I will disallow your legislation. That would have been bad enough if the necessity for this legislation existed to-day, because then the minister might have some reason for bringing it up. The necessity, however, has passed. We all know that the Attorney General of Manitoba has entered a nolle prosequi against the minister's friends. We know that they are not going to be tried. Therefore, this is no reason in the world why the law should be changed, and this legislation is brought in simply to save the faces of the Minister of Justice and of his political friends. It is a disgrace to the jurisprudence of Canada, and it is tampering with the dignity of Parliament, that we should be called upon to pass political class legislation of this kind. Let the matter stand for a year or two, and if there is any miscarriage of justice, let Parliament deal with it when there can be no imputation of political bias or political reasons.

Sir WILFRID LAURIER: What miscarriage can there be?

Mr. CARVELL: My right hon. friend asks what miscarriage there can be? I cannot conceive of any. What harm can there be if the Crown does stand aside a number of jurors? In a few days an important trial will come on in my province, which has been tried twice already and in which the juries have disagreed. I understand that the Attorney General has decided to try the case a third time. The matter is not of very great importance, but it is one which has aroused a great deal of prejudice in the city of St. John, and it will be a very hard matter to get a juror selected who is not prejudiced on one side or the other.

Suppose the Crown were limited as this Bill provides, and could only stand aside 48 jurors. I do not believe that the trial could go on. I do not know anything about the merits of the case; I have no idea whether the defendants are guilty or not; I have no opinion to offer on that at all. I do know, however, that it has taken up two weeks of the time of the circuit court of St. John, and it is a matter of so much public importance that the Attorney General and the presiding judge have decided to try the case a third time during the present term of the court. Suppose that