In criminal cases where the circumstances are such as to arouse passions and prejudices, it is absolutely essential that there should continue to be vested in the Attorney General as the representative of the Crown the right to cause jurors to stand by until the panel has been exhausted, when, of course, the Attorney General again brings forward the jurors who have not been challenged peremptorily, and they must be sworn unless they are subject to challenge for cause. The existing law affords the greatest protection which could possibly be desired for the fair trial of a person accused of crime. By reference to the Criminal Code, section 932, it will be found that it is provided that:

> Every one indicted for treason or for any offence punishable with death is entitled to challenge twenty jurors peremptorily.

That is to say, a person indicted for treason or murder or any other offence punishable with death may, without giving any reason or showing any cause, peremptorily challenge twenty of the jurors of one panel. In addition to that there is the challenge for cause, for instance, for expression of opinion, which is usually regarded as a sufficient cause of challenge. There are many causes of challenge which I need not state to the House. Section 932 also provides that:

> Every one indicted for any offence other than treason, or an offence punishable with death, for which he may be sentenced to imprisonment for more than five years, is entitled to challenge twelve jurors peremptorily.

The power of the Crown to challenge peremptorily is limited to four jurors, no matter whether the indictment is for treason, or for murder, or for any other offence. Take, for instance, a trial for murder or for treason. In the first place the accused has the right to challenge peremptorily twenty jurors, and the Crown has the right to challenge peremptorily but four. In addition to that there is the right to challenge for cause, which in the case of a crime exciting widespread interest in the community, arousing the passions and prejudices of the people generally, may be made, and in many cases those challenges for cause are allowed. For good reasons, when the present Criminal Code was enacted Parliament, carrying out the provisions which have been in the Criminal law for very many years, continued the right of the Crown to order jurors to stand by until the panel was exhausted. I challenge the Minister of Justice to cite a single instance in the administration of the criminal law in this country in which any evil has resulted from the Crown having exercised that right. Unless it can be shown that some evil of a public nature has resulted from the law being as it is, why should the law be changed?

If we take the history of matters which have led up to this proposed change, we find that the reason for the amendment made by the Minister of Justice arose in Manitoba. In the other provinces of Canada there has been upon the statute book a provision that the panel may be increased materially. That provision has been upon the statute book of Ontario for a good many years; it has been upon the statute book of New Brunswick for twenty-five or thirty years. Some little time ago a change was made in the Manitoba statute making the same provision which, in the other provinces, has, for so many years, resulted in a very satisfactory administration of the criminal law. Certain correspondence took place in reference to that legislation. The Minister of Justice threatened to advise His Royal Highness to disallow it. The minister did not seem to be impressed by the fact that Manitoba was simply following the example of the other provinces. At that time there were important criminal trials of a somewhat political nature, affecting prominent public men in that province, and we can well understand that the matter was brought to the attention of the Minister of Justice, and that he was pressed to consider whether or not the law passed by the Legislature of Manitoba should be disallowed. The Attorney General of Manitoba took the view, quite correctly, I think every one will agree, that the constitution of the criminal courts as well as of the civil courts is, under the provisions of the British North America Act, vested exclusively in the provincial legislature. The Minister of Justice must have taken that view because, after due consideration, he came to the conclusion that he could not advise His Royal Highness to disallow the statute of the Manitoba Legislature. But the Minister of Justice thought that he might get around the matter in another way, and so he comes to Parliament with the present Bill limiting the right of ordering jurors to stand by unless that right is allowed to be exercised by the presiding judge, not upon the exercise of his own judgment, but upon special cause shown. This is a very little Bill, but it is a Bill of enormous importance so far as the fair and proper administration of the criminal law is concerned.