prepared to allow that. Common Law non-jury cases should always be tried by an Equity judge. He went on to criticise the details of the Bill, strongly disapproving of its tendency to lessen the number of jury cases. He thought that the judges had in the past misused the power they held of deciding upon certain cases without a jury, especially in cases when railway, insurance and banking companies were parties to suits. Many of the judges had formerly been counsel for such corporations, and he thought their decisions were far more likely to be biassed than those of juries. It was well known to every Common Law practitioner that it was almost impossible to defeat such corporations on issues of fact—a state of things which juries paid more attention to than a judge. He strongly deprecated the tendency of the Bill in the direction of allowing cases which now came before juries to go before the judges.

Mr. MOWAT said the Bill had evidently been drawn with a great deal of care, and he was very glad that his hon. friend had called attention to the various points to which it related. His hon. friend who spoke last had evidently no faith in Chancery lawyers. He said he did not find Common Law lawyers bringing in Bills of law reform. If that were so, it showed that Chancery lawyers were driven to bring them in, and thus Chancery lawyers had to touch the sacred thing with their accursed hands. (Laughter.) They had not shown any jealousy of Common Law lawyers or any desire to increase the amount of Chancery business in previous legislation, which had resulted in a sensible diminution in the business of the Court of Chancery, which, however, had been made up by the growing confidence in that court and the growth of the country. The hon. gentleman had been unreasonably hard on Common Law judges, who had not, he was sure, misused the powers given them by the Act. On the contrary, he had found the course taken by them had met with general approbation. At the same time he was not disposed to suggest that larger powers should be given to them in respect to the withdrawal of cases from juries. If they were to confine the Bill to matters about which there was a general agreement the greater part would be struck out. Some of the provisions were similar to those in the Bill he had introduced to give effect to the suggestions of the Commissioners. The hon. gentleman suggested with regard to short-hand reporting a means by which the necessary funds might be raised. He was afraid the hon. gentleman over-estimated the value of shorthand reporting. The Government proposed to make a beginning in this respect, and to ask the House for a vote, not such probably as would enable all the Courts to be accompanied by shorthand writers, but enough to try the experiment sufficiently to show whether they should go further or not. It would be a considerable addition to the expenditure, but it had been tried elsewhere, and the Government were willing that the experiment should be fairly made. If, in view of the objections which had been made to various parts of the Bill, the hon. gentleman desired to have it considered by a Select Committee, he would have no objection to its being read the second time, but he thought the adoption of a good part of it would have to be postponed.

Mr. HODGINS said the member for South Brant had already assented to the Bill which gave power to Common Law Judges to try equitable issues, but he was unwilling to assent to the judges in Equity having power to try Common Law issues. Seeing that in reference to the question of shorthand reporting it was the intention of the Government to take it up, it might be to the interest of all parties that the Bill should drop. He thought the discussion would have a good result, but moved now that the order be discharged.

The order was then discharged and the Bill withdrawn.

VERDICTS OF JURORS.

Mr. BETHUNE, in moving the second reading of the Bill respecting the verdicts of jurors in civil causes in the Superior Courts and County Courts, explained that this House could not interfere with criminal cases, and that as in Division Courts the number of jurors was only five, he did not propose to interfere with them. The Bill provided that when a jury had retired and had been out one hour eleven might return a verdict, after two hours ten, and after three hours nine. There could be no doubt that, though generally the jury system had been satisfactory, there were evils complained of in connection with it. He thought the evil was that a partisan on one side or the other was determined to hold out. Besides that, it was almost impossible to get any twelve men to agree exactly on any particular question. On the Bench a majority was all that was required, while in a jury unanimity was required. The system was a relic of barbarism. He gave the history of trial by jury, and went on to say that the reason for unanimity had entirely passed away. In Scotland they had fifteen jurors, and a majority was sufficient to find a verdict. In 1832 a Bill similar in principle, though not in detail, to this was recommended by the Common Law Commissioners. Generally the majority ruled, and he could not see why three-fourths of a jury should not be able to find a verdict. He believed there would not be so much objection to the jury system if it were conformed to the spirit of the age. He was strongly in favour of its continuance, and hoped the matter would be discussed free from any partiality as between Chancery and Common Law lawyers.

The Bill was then read the second time.

On the motion for reference to Committee,

Mr. MACDOUGALL (Simcoe) congratulated the hon. gentleman on the universal assent which his Bill had received. He had observed the difficulties which arose from pigheadedness on the part of one or two jurors. He thought the hon. gentleman had done wisely in limiting the reform as he had done. The measure would have the effect of giving time to the jury to consider the bearing of the evidence. He would be very sorry to see these cases left in the hands of the judge without the assistance of the people collected in the jury box. The Bill met his entire approbation, and would tend to raise the character of juries and to meet the growing objection to the system.

Mr. HARDY said he should have desired that the second reading should have been postponed until members had had an opportunity of considering the Bill. If the Bill had been confined to such cases as libel there might be a good deal to be said for it. A stubborn man could prevent a verdict being given at all, but he was not aware of a case in which he had brought the other eleven jurors to agree with him. It would have been desirable to have a return showing in how many cases there had been a disagreement of the jury. He believed those cases were very few. He was of opinion that in many cases where a jury failed to agree it was best for all parties. He contended that the moral weight of a verdict by a majority would not be so great as a unanimous verdict, and the result would be constant applications for new trials. Where now there was one mis-trial there would be twelve cases of new trials under this Bill. The hon. gentleman had the floor, when,

It being six o'clock, the Speaker left the chair.

After recess,

Mr. HARDY resumed the debate, complaining that the mover of the Bill had not placed before the House any information as to the working of the present system before seeking to change it. His hon. friend had complained that twelve jurors often gave unjust decisions, but he (Mr. Hardy) was of opinion that the chances of unjust verdicts being rendered would be very much increased by altering the law as he proposed. It was a very unfrequent occurrence for a jury to disagree because one or two stubborn men held out against the opinion of the others, and disagreement far oftener arose from the stubbornness—if such it could be called—of a larger proportion of the jury. His hon. friend had presented no petitions in favour of the proposed change; neither lawyers nor judges, he believed, desired such a revolution in our jury system. The leading members of the Bar of the Province he (Mr. Hardy) knew were opposed to such changes. There was a feeling abroad among the profession throughout the country that every change made in the law by Toronto lawyers was calculated to bring grist to the Toronto mill. The effect of this Bill would be in this direction, for it would lead to continual applications for new trials, which meant a large increase in the income of Toronto lawyers. It would have the more serious consequence of lessening the confidence we now had in our jury system by introducing the suspicion that sectarianism would even find a place in the jury box.

Mr. FRASER said he was not in favour of the principle of the Bill, or indeed of any change in the present jury system. Theoretically speaking, it would perhaps be a difficult matter for any member of the House to say why the unanimous opinions of eleven, or ten, or nine, or a less number of men should