not be as satisfactory a decision of a case as twelve, but practically the present system had been found to work well, and he would be opposed to any interference with it. The fact that a Commission appointed by the British Parliament in 1832, after making the fullest enquiry, with the advantage of having the Scottish system in operation at their very doors, had reported adversely to any change, was a very strong argument against the Bill of his hon. friend. The verdict of nine men was as good at the end of five minutes as at the end of three hours, or that of eight men at the end of twenty minutes as at the end of two hours, and he had yet to hear an argument which would logically meet this view. Political influence upon jurymen had been mentioned as a reason for change, but he failed to see that the Bill would make any improvement in that respect. As had been mentioned by the member for South Brant, the change asked for would be likely to introduce a very dangerous feeling into our jury system. The proportion of Roman Catholics to each petty jury in the Province would be about two or three out of the twelve, and it would be a very likely thing for unthinking suitors to say that sectarianism had prevailed in many cases if the proposed change were brought about, and thus a new element of distrust and discord would be introduced into the country.

Mr. MOWAT said that the avowed object of those provisions in the Bill allowing a certain time for juries to prepare their verdict was to allow of discussion in the jury-room, but he could not see that this object would always be secured. Nothwithstanding the evils of the existing system, popular opinion both in the United States and England seemed to be strongly in favour of the present system, and though personally he was in favour of a majority ruling in a jury, as in Legislatures, Committees, Boards of Directors, &c., he did not think the opinion of the Canadian people was in favour of the change. He believed that the prejudices against the principle of the Bill would in time be removed, but in the meantime he thought his hon. friend would have to defer what would yet be a valuable reform.

Mr. CLARKE (Norfolk) referred to cases which he said had become historical, and in which it had been impossible to get a verdict, thus either allowing suspicion to rest upon an innocent man, or permitting the guilty to escape, and causing unnecessary litigation. His own experience as a coroner had convinced him that the present was not the best one. He did not think that the number twelve was a sacred one, or that eleven would not do as well.

Mr. SCOTT said that some of the arguments employed by the hon. member for Norfolk had been strong ones, but that hon. member had overlooked the fact that the Bill would not meet the evils complained of. He thought so important a Bill should have been introduced by the Government. The system was a very old one, it was dear to every British subject, and the Imperial Parliament, which was certainly as capable as this body to deal with the question, had steadfastly refused to make the change which was now sought by a private member of the Legislature of Ontario without any warning, or without a sign that the public wanted such an important change. It seemed to be taken for granted that if one juror held out against the opinion of the other eleven he inevitably did so from an improper motive, or from sheer stubbornness; but he did not think this was often the case. He thought that hon. members should first ascertain the views of their constituents before passing so very important a measure as the present.

Mr. CAMERON said the Bill was in his opinion uncalled for, and it would not effect a remedy to any existing evil. His experience had convinced him that it far more frequently happened that a larger proportion of a jury than one out of twelve was the means of preventing a verdict. He could not see how the proposed change could be expected to work beneficially. If the jury were unanimous in believing a man to be wrong, that man would be more likely to be satisfied with the verdict than if it were returned only by a majority. Instead of diminishing litigation, he believed this would increase it. He considered the Attorney-General had taken the correct course in this matter.

Mr. ROSS said this was one of very few measures introduced by legal members on which laymen could form an opinion. A very large proportion of the cases now before the Courts were tried without juries, because the people had no confidence in the systems of unanimous verdicts. The system of majority verdicts had worked well in Scotland, and there was no reason why the jury system should not be amended. He thought this reform was very much wanted. In all other cases a majority was sufficient, and he saw no reason why it should not suffice in juries. If twelve were necessary to a verdict, why not thirteen, fourteen, or fifteen? There was nothing magical in the number twelve, and they should amend it if it was found desirable.

Mr. CROOKS said he agreed that it was desirable that in most cases a majority should govern, but there was a difference in the peculiar functions which a jury was expected to perform. In his view, the value of a jury arose entirely from the unanimity which was required. The verdict of a majority depended on matters of opinion rather than on the truth, and in England the decisions of the Courts which required unanimity on the part of the judges commanded more respect than those of tribunals where a majority was sufficient.

Mr. BETHUNE said he was sorry that the Treasurer had stated so definitely his opposition to the Bill. Hon. gentlemen who were opposed to the principle of the Bill did not agree on the grounds of their opposition. The chief ground seemed to be that this ancient system had not been changed in England or the United States. The fact was that in England the attention of the House of Commons could not be kept for an hour to the question of law reform, and that in the United States the people had lost confidence in their judiciary. No one had said anything which theoretically or logically would bear against this Bill, but hon. members thought the present system had worked well, and desired to leave well alone. He brought this measure forward in order that public opinion might be expressed on it. There might not have been any petitions or reports of judges in favour of this change, but it was the duty of this House to initiate legislation. It was the duty of the Legislature to throw a protection around the jury box, especially in the modern view of the administration of justice. This Bill was not intended to interfere in criminal cases, but in matters affecting property surely it was a farce to expect unanimity on the part of twelve men in their opinion on such subjects? It was contrary to common sense to expect twelve unlearned men to agree when they did not expect twelve learned judges to agree. He intended to divide the House on the second reading, though he did not intend to press the Bill further.

Mr. MOWAT pointed out that the second reading had already been carried, and the question now was the reference to a Special Committee. If a vote were taken it would imply that those who voted for it thought it should become law at once. He did not think so, though he approved of the principle of the Bill in the abstract. He did not believe the time had come for the passage of this important measure.

Mr. BETHUNE said he had stated that he did not intend to press the Bill now, but he could not give up the vote on its principle.

Mr. SPEAKER said he had declared the second reading carried in error.

The House then divided, and the second reading was lost. Yeas, 30; Nays, 38.

YEAS.—Messrs Barr, Bethune, Boulter, Brown, Chisholm, Clarke (Norfolk), Clarke (Wellington), Finlayson, Flesher, Gibson, Graham (Frontenac) Grant, Hay, Hunter, Lauder, McDougall (Middlesex), Macdougall (Simcoe), McGowan, McRae, Meredith, Merrick, Patterson (York) Richardson, Robinson, Ross, Sinclair, Snetsinger, Striker, Tooley, Wigle.—30.

NAYS.—Messrs Appleby, Ballantyne Bell, Bishop, Cameron, Coutts, Crooks, Dawson Ferris, Fraser, Gow, Graham (Lambton), Grange Hardy, Hargraft, Harkin, Hodgins, Lane Lyon, McCraney, McLeod, McMahon, Monk. Mowat O'Donoghue, Pardee, Patterson (Essex) Paxton, Preston, Rosevear, Scott, Springer, Watterworth, Widdifield, Williams, Wills, Wilson, Wood.—38

THIRD READINGS.

The following Bills were read the third time and passed:—

To apply the system of voting by ballot on By-laws requiring the assent of the electors—Mr. Mowat.

To amend the law of vendor and purchaser, and to simplify titles—Mr. Mowat.

CONCURRENCE.

The amendments made in Committee to the following Bills were concurred in:—

Respecting sureties for Public Officers of Ontario—Mr. Mowat.

To make further provision respecting Permanent Building Societies—Mr. Mowat.

Mr. MOWAT moved the adjournment of the House.

The House adjourned at 10:05 p.m.