objects were to be considered—first, doing justice, and second, satisfying the litigants that they had received justice. He thought the Legislature went quite as far as was reasonable when in 1868 an Act was passed under the Sandfield Macdonald Administration providing that either party might have a jury if he desired. By the Administration of Justice Act of 1873 it was provided that a judge might at his option strike out a jury notice, and therefore a party would be obliged to have his case tried by a judge whether he wished it or not. There were cases in which that was certainly desirable, such as actions against municipal corporations, railway companies, building societies, insurance companies, etc. There was generally a strong feeling against corporations, caused, he supposed, by the fact that they frequently availed themselves of a technical defence. But cases between individuals he would rather see tried by a jury of the whole country, as the phrase went. They were a much better tribunal to try an ordinary case than any judge, because they were better able to appreciate the circumstances of the parties, they knew better what importance to attach to the evidence of any particular witness than a judge, and were free from that legal bias which often attached to judges and lawyers in consequence of their acting for a long time in a particular groove. It had very often occurred to him that a wrong had been perpetrated through a case being tried without a jury. He would like, therefore, to see the system of trial by jury continued; it had fulfilled a very wise and useful purpose; it had been one of the educating forces of the country. The Court of Chancery had done much to popularise trial by judges, for the Chancery Court judges had done what most persons would say was right, and he supposed the Attorney-General had that Equity Court in view when he introduced his Bill to give judges power to dispense with a jury. He felt, however, that litigants were not always satisfied that justice had been done under that provision, although, in point of fact, they might have received justice. A party might feel that a judge had not so good a practical acquaintance with the nature of his suit, or sympathy with his particular circumstances, as common men like himself, and, therefore, he might be dissatisfied with the decision of the judge. If he talked of the matter to his neighbours a bad feeling might be created among them against the judiciary, and, therefore, in the interest of the judges themselves, it was desirable that there should be a system of trial by jury. He might be asked, Why should there be a difference in the trial of issues in the Common Law Courts from the trial of issues in a Court of Equity? He admitted that there was some force in the objection, but the answer was that Chancery judges might send cases which ought to be tried by juries to the Common Law Courts in order that they might be so tried. In that respect there had been a fusion of the Courts, but a uniform system of pleading was wanted, and perhaps the Attorney-General would think it proper to introduce the same system of pleading into the Chancery Court as prevailed in the Courts of Common Law. The object of his Bill was to preserve the jury system, which he thought had been of great benefit to this country, and should be very reluctantly parted with. That feature of the system requiring twelve men to give a decision he regarded, however, as a blemish, and the Bill before the House provided that after one hour if eleven jurors agreed they might give a verdict in respect of the twelve. After two hours ten, and after three hours nine, might bring in a verdict which would be considered as the verdict of the twelve. The object was to procure a discussion among the jurors, and he believed the result arrived at by a majority of twelve intelligent men, after they had fully discussed a case, would be one with which litigants would be satisfied. It was sometimes the case that at the end of an hour all the jury agreed with the exception of one man. After two hours this one might convince another to think as he did, and after three hours another. If a jury did not agree after three hours, the chances were that they would not agree without coercion. In the old times a judge might drive the jury in a cart from one limit of a county to the other to force them to a verdict. The unanimous system had not yet been done away in England. At first the jurors were selected from the neighbourhood of the parties, because they were supposed to be acquainted with the circumstances of the case, and twelve decided the dispute by swearing that either the plaintiff or the defendant was entitled to the verdict. Jurors were no longer selected from a particular locality because they knew something of the case; but, on the contrary, it was desired that they should not know anything about the case except what they heard in evidence. He pointed out that if a plurality of judges tried a case the majority were allowed to give a verdict. In everyday life, in business matters, in elections, in joint stock companies, in Municipal Councils, in this very Chamber, the system of the majority controlling the minority was recognized as the proper system, and the one single exception was in the case of juries, where twelve men were required to swear to a particular result—for it just amounted to that. All of the twelve men were not, perhaps, equally intelligent, they might not have had the same experience, they did not take the same view of things in general, and yet these twelve men were kept together till they all agreed as to whether A. or B. was entitled to the verdict. In some countries the majority system was in force. In Lower Canada nine jurors could give a verdict for the twelve in civil cases. The Province of New Brunswick had gone further; for there they had only seven jurors, four of whom in a County Court, and five in a Superior Court, could return a binding verdict, but in criminal cases the jury had to be unanimous. Mr. Justice Ritchie had told him—and had given him liberty to make use of the statement—that so much confidence was felt in New Brunswick in the improved mode of trial under this new law that he had heard of no desire to go back to the old system. The same system prevailed in Scotland, where, by an Act passed in 17-18 Victoria, nine out of twelve jurors were enabled to give a verdict. Afterwards, in the year 1859, an Act was passed in which it was provided that after the jury had been out six hours the majority might bring in a verdict, which would have the same effect as though it had been unanimous. He apprehended that there was no experience to be got from Continental countries, where trial by jury prevailed only to a limited extent. In Prussia the judges tried both criminal and civil cases, and in France trial by jury was quite a new system. The Lord Chancellor of England expressed the hope that no change would be made in the system in England. Baron Bramwell gave as his experience that corporation cases should not be tried by juries; but there was no disposition in England to make any change so far as unanimity was concerned, but the subject had been repeatedly discussed there since 1845. Another evil of the present system of unanimity was that juries frequently disagreed, and in that case the whole expense of litigation was thrown away, no one being made any the wiser, and the suit remaining in the same state as before. Very often one or two persons could prevent the jury arriving at a verdict, and were thus able to defeat justice, and sometimes, though a man might get a verdict, yet by the obstinacy of one or two jurors it might be said that he would be shorn of all the substantial relief he ought to get. He durst say that he would be told that there was no agitation for a measure of this kind—that the judges were against it. His impression was that the judges would be found to be against any change, for which they usually had a dislike. Lawyers were in a better position to perceive the evil effects of the present system from their conversations with their clients and their cognizance of many of the incidents of the jury-box. He was not aware what the view of the judicial body was as to a measure of this kind; but, theoretically,

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