he thought the Bill should receive the assent of every member of the House. There was the evil of compromise in the present system; a juror sometimes preferred agreeing to a verdict, even though his conscience did not commend it, to being locked up all night. The result in that case was to make a man do violence to his conscience, as well, perhaps, as to defeat the ends of justice. He was satisfied that in most cases the decision of the majority would be the correct one, and would be satisfactory to litigants.

Mr. DEACON did not like very well to see the old system of trial by jury interfered with in this manner.

Mr. ROSS argued that although the spirit of the Bill under discussion might not recommend itself to the legal profession yet it did to the common sense of the country. The proposed mode of determining the verdicts of jury cases had been successful wherever tried. He believed the jurors acted to a certain extent as a bar to justice. In support of this view, he said that in a given period 1,095 prisoners had been brought before the County Judges. Of that number 959 elected to be tried without juries, and 727 of the number were convicted; and of the remaining 222 who were tried by jury 104 were acquitted. It was also necessary that the standard of juries should be elevated, as at the present time the average juryman was not from the most intelligent classes. Several other objections were made by the hon. gentleman, and among them that the number of jurymen summoned to the Courts was too large. He suggested that notice of all jury cases should be given to the Clerk of the Court at least fifteen days before the opening of the Court; and by that means some idea of the number of jurymen required could be approximated. At Goderich, last December, twenty-four grand jurors, were summoned, and forty-eight petit jurors to try one case, which occupied a very short time in being disposed of.

Mr. HARDY, referring to the remarks of the hon. member for Huron (Mr. Ross), thought he had done wrong in discussing the jury system generally; although he admitted that in doing so, both this year and last, he (Mr. Ross) had given much valuable information to the House. There was a practical question involved in the Bill, and there was a practical side to it. Whatever might be said of the theory in, and the logic of, expecting twelve men to give a unanimous verdict when shut up in a room, which would not be expected from twelve men at large, it must be admitted that when they came to examine into the working of that system, it was found to have worked well, to have worked admirably, and to have worked much better than it would have been supposed to work. Therefore he apprehended that the House would not disturb the existing state of affairs unless sufficient reasons were assigned; and such, he contended, was not given in this case. This was a question which appealed to the great bulk of the people—to the jurors who are chosen from among the business men, the mechanics, or the farmers of the country; and if there had been any real grievance experienced it would have been supposed that some complaint or some petition would have been made to the House, but such had not been done. Was there really a grievance in the matter? They had a system which was well known, well understood, and which had been long administered—a system with which the judges were familiar, and with which the jurors were acquainted. There was another advantage in the present system, and that was that there was a degree of certainty about the unanimous decisions which had a beneficial effect. (Cheers.) Any man who went into Court with a cause had to be so sure of his facts and evidence as to be certain that he could bring twelve men to a unanimous opinion. With the decision of twelve men there was a degree of certainty which was not experienced when the sliding scale was adopted. The certainty of the decision was the most commendable feature of the present system, and if that was done away with the strongest feature in favour of trial by jury was done away with. It did not matter so far as this discussion was concerned whether the system of selecting jurors was expensive or whether the jurymen were intelligent, as this Bill did not propose any changes in that respect; it only proposed to complicate instead of remove the existing machinery. (Cheers.) Since the Bill had been introduced he had endeavoured to discover the extent of the evil which was complained of, and with a satisfactory result. During the Autumn Circuit of the Assize Court and Court of *Nisi Prius* there had been 537 cases entered for trial, and out of that number there were only disagreements in five jury cases.

Mr. BETHUNE—How many of the 537 cases were jury cases?

Mr. HARDY had not been able to ascertain that fact in the short time the statistics were being prepared; but he ventured to say that if the House got at the bottom of those five cases, it would be discovered that substantial justice had been done. The Suporier Court judges had also been written to, and he had received ten answers; and all but one were unanimous in condemning the proposed change. They contended that no grievance existed, and argued that when jurors disagreed it was because they had good reasons for so doing, and justice was usually done. The Chief Justice of the Court of Common Pleas, a man of wide experience, stated in a letter that the disagreement of juries was not of such frequent occurrence as to be a grievance; and when disagreements did occur they were generally on criminal cases. In the case of civil actions, the judge was not prepared to say that such disagreements at all interfered with the cause of right, for juries seldom disagreed when a clear cause had been shown. He (the judge) feared that a change involving the majority principle would increase the tendency of the jurors to give excessive damages. While the judge was strenuously posed to the sliding scale, he preferred, if a change were made, that a fixed majority after a retirement of so many hours should be sufficient. Why should the House depart from a principle in the jury system which prevented excessive damages being given? Jurors were frequently carried away by the last word and the ablest counsel. He (Mr. Hardy) had been told that the hon. member for Pembroke (Mr. Deacon) possessed such boundless influence over local juries as to get a verdict in almost any case; and he feared that the result of the passage of this Bill would be that the ablest counsel would have it all his own way. A power would be placed in the hands of the counsel which would be detrimental to the administration of justice in this country. Although the jurors of Ontario were as conscientious and honest as those in the older countries, yet in those countries where the standard of selection was higher nine or ten of the jurymen could be safely trusted to return a majority verdict in lieu of a unanimous verdict. Referring to special juries, he said that no class of jurors disagreed more than they did. The Chief Justice of the Court of Queen's Bench, a gentleman who, when a young lawyer, had written in defence of the very principle of this Bill, said that his experience as a judge had taught him that it would be a calamity to make such a change. In his letter he stated that more real justice resulted from a failure to agree than if there had been an agreement in certain cases. Mr. Justice Wilson argued that it was unfair to compel twelve jurymen to agree upon a verdict, but they are not compelled to agree upon a verdict. In past days the practice was to lock juries up until they did agree, but in the present day they were only locked up a reasonable time, and on failing to agree they were discharged. He (Mr. Hardy) proceeded to argue that Nova Scotia and Quebec were not countries whose experiences would justify Ontario in following their example, especially as in the latter Province the result of the system had been that so many appeals had followed the uncertainty of the decision that the jury system was rapidly falling into disuse in civil actions. He then proceeded to enumerate several other arguments in favour of the unanimity of the verdict, and