

stated that he had been informed that the hon. mover of this Bill had received his bias in favour of the measure because he had failed to get in a celebrated libel case the verdict which he thought ought to have been given.

Mr. BETHUNE remarked that the Bill ought to be defeated, if it were to be defeated, purely on its merits, and not because of an argument of the kind last used. He had no recollection of having received his bias in that manner.

Mr. HARDY expressed satisfaction that such was not the case, and concluded by hoping that his hon. friend would not permit the Bill to go to a division, but would withdraw it. (Cheers.)

Mr. CAMERON was afraid that as he was about to express views thoroughly in accord with the Government on this point that, the same as on previous occasions, they would be defeated. (Laughter.) He did not believe that any change should be made in the jury system, for it was just as probable that the one dissenting jurymen might be right and the eleven wrong as it was probable that the reverse would be the case. The question of whether a jury should be unanimous ought not, he believed, to be decided adverse to that opinion. At times he had to complain that the judges in summing up directed the jury's attention too strongly to matters of fact, instead of laying down the law before them. In such a case the verdict of the jury, if in accordance with the bias of the judge, would be the verdict of the judge. In some cases juries were inclined to give verdicts against corporations; and on that ground he favoured the last clause of the Bill, that the motion that a jury be dispensed with should be made before the suit and not at it. He also was of opinion, in common with the Provincial Secretary, that special juries were more apt to disagree than ordinary

juries. Perhaps this was to be accounted for on the ground that learned men were more apt to theorize than to deal with matters of fact. When insurance companies set up a plea of arson in a case where a plaintiff claims an insurance he contended that the matter should be referred to a jury. He thought that the remarks of the hon. member for Huron (Mr. Ross) were entirely pertinent to the Bill, and that his arguments were rather in favour of the position taken by those who opposed the bill. It did not speak much for our educational system to say that as time progressed the quality of jurors deteriorated. The argument of the Provincial Secretary relative to the number of jury cases in which there had been disagreement could have but little weight until the total number of jury cases during that Autumn Circuit was learned.

Mr. MACDOUGALL (Simcoe) was considering whether it was not advisable to endeavour to incorporate the principle of his Bill dealing with the same subject into the present Bill if it passed the second reading. The opinions of the judges which had been read in the House, should have been printed and distributed at first among the members. That of Mr. Justice Wilson evidently was favourable to the change.

Mr. BETHUNE—It is the strongest argument I have ever read in its favour.

Mr. MACDOUGALL (South Simcoe) had thought so on seeing the placid and smiling face of his hon. friend from Stormont (Mr. Bethune) when he was reading Mr. Justice Wilson's opinions. He then proceeded to show that this subject had received considerable attention in England, and he defined the law as it was in operation there. By an Act passed in 1875 in the House of Commons, England, it was provided that no section of that Act or any previous Act should prejudice or take away the right of any party in any action to have the issue of trial by jury submitted to a judge before whom the trial by jury was made. He further contended that the law showed that the right of every subject to trial by jury was not weakened in any respect. His experience was that people who were informed that in this Province

the right of trial by jury was taken away were surprised and astonished. He concluded by expressing the hope that this was a question upon which they could vote without party bias.

Mr. MILLER was in favour of a measure which would give the country some scheme of substantial law reform; therefore he could not vote for the present Bill. The effect of the seventh clause, which had found some advocates on the floor of the House, would be that if, after once the jury notice had been given, it could only be struck off in Chambers; it would add from forty to fifty dollars to the costs. That would be law reform in the opposite direction to that desired by the House. If there was anything in which the country had an opinion detrimental to the present Government, it was that they had been instrumental in running up the expenses of carrying on law cases. He did not, personally, entirely endorse that opinion; but he thought that the Government should bring down a concise measure dealing with the subject.

Mr. DEROCHE said that he believed there was some good in the measure, and he should support it. The principal was not new, for twenty years ago a similar measure was introduced into the old Parliament of Canada and supported by prominent Reformers of that day. He did not agree with the hon. member for Muskoka (Mr. Miller) that the costs would be so large for striking out a jury notice. As judges were so eminently Conservative, this House, (and especially the Reform side), should not be too deferential in their opinions on a matter of this kind.

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

[The remainder of this report is unavoidably held over.]

## THE SUPPLEMENTARY ESTIMATES.

The following are the Supplementary Estimates required by the Ontario Government for the services of 1878, and to complete the services of 1877:—

### ADMINISTRATION OF JUSTICE.

*Court of Appeal.*  
Messenger, balance of salary, 1878 ..... \$200 00

### EDUCATION.

- To meet the allowance for the year 1877 of \$50 to 10 Model Schools, in addition to the 40 provided for in the Estimates, the reports of which came in afterwards ..... \$ 500 00
  - Payment to the Public School Board of the city of Ottawa for Public Schools employed for Model School purposes ..... 1,000 00
  - For examining and reporting on library and prize books, omitted to be paid in 1877..... 1,000 00
- 2,500 00

### AGRICULTURE AND ARTS.

School of Arts and Design in London ..... 500 00

### HOSPITALS AND CHARITIES.

- To defray the expenses of a grant in aid of hospitals and charities, being additional sum required to make up deficiency in allowance to certain institutions under the Act, so as equal the amount paid last year..... 3,685 07
- Refuge for Fallen Women, Ottawa..... 150 00
- St. Nicholas' Home, Toronto.. 200 00
- 4,035 07

### MISCELLANEOUS EXPENDITURE.

- Consolidation of Statutes—balance required to complete. 600 00
- Law Society—claims for water and gas, subject to investigation..... 3,000 00
- Contested Elections..... 2,000 00
- John Meek—claim for services at Malden and London Asylum..... 400 00
- License Law, towards expenses in municipalities where Temperance Act of 1864 is in force under chap. 131 R, Stat..... 8,000 00
- Paris Exhibition..... 1,000 00
- A. N. Buell, to reimburse him for payments and disbursements while Accountant.. 800 00

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