

any body say, that trial by jury was one of their ancient customs, or assert that it was necessary; that, as for the petitioning Canadians, they only desired to have their ancient laws and customs restored to them; and that he by no means thought an optional jury any thing like an English jury; that, by the former, any party that thought he could gain a preference in his trial over the other, would adopt it; and that it must be allowed, that where the option was liked by one, it would displease the other; besides, the evidences at the Bar had declared, that the Canadians were averse to the form of an English jury, especially in that part which obliges them to be unanimous in their verdict; and that, if you took away that part, in his opinion, you destroyed the whole; that he believed the learned Gentleman had been wrong in giving praise to a jury in the case of Mr. Hampden, for no jury was consulted on that case.

Mr. *Dunning* said, that as to the Learned Gentleman mentioning that he by no means approved of optional juries, had we not, every term, instances in the Court of Chancery, where it was in the power of the Lord Chancellor to appoint a jury, if he thought proper? That, as to the establishing the French laws in Canada, who had we fit to administer them? Had not the two learned and respectable gentlemen at the Bar, Mr. Hey and Mr. Maseres, informed the House, that they by no means thought themselves capable of learning the French law sufficiently to administer it with justice; and if such learned gentlemen as them had not abilities sufficient to understand it, sure he was, that no person the Minister could produce was capable of undertaking the task, so as to do justice to the people and honor to himself; he said, the noble Lord had been repeatedly called upon to declare the author of the Bill; let the author now

stand forth and clear himself; but he would be bold to say, no man would dare to own a Bill which was meant to establish Popery. Could the noble Lord say the Canadians had not desired not to have a jury? He then entered very fully into the nature of juries; said they were fit in all cases; that he had known many instances where juries had found for the Crown, and that he could wish to see juries established throughout the world, as they were a check upon the evil judges, and consequently if they were not so good judges of law, they were judges of fact; he said, as to the people of Canada being negligent of attending to serve on juries, it was the case here; there was scarce a term passed but jurymen were fined for non-attendance.

The *Solicitor General* said, he could not agree with the Learned Serjeant, that the supporters of the Bill deserved the appellation of traitors to their country; that he had no objection to a jury hereafter being established there, but let it be left in the power of the Crown, and if they saw it was necessary, they could at any time adopt it; but this was not the time, when the people were so much enraged against the proceedings of juries in that country; that as the jury which Mr. Maseres had formed for that country, in the pamphlet he had published, he by no means thought it like an English jury, for it was to be formed of an odd number of people, thirteen, sixteen, or seventeen, and a majority of those people to be decisive, and the jurymen to have 5s. per day allowed them for their attendance. He said he never would allow that the Canadians were fit persons to serve upon a jury, they understood nothing of its form, and therefore were not judges enough how to act upon it; that as to cases of revenue, we had had two instances of their deciding different to an English jury;