

6-7 EDWARD VII., A. 1907

to know whether he is worthy of praise or blame. He believes too that he can see a danger, under the English law, of his being looked upon as a criminal, on the bare oath of a man, without any offence or crime being proved. That he may, for this cause only be prosecuted and punished in consequence, if he cannot succeed in proving an alibi ; and the accuser can easily deprive him of this resource, however little he may have watched him for some time past. This is the most fearful danger that it is possible to imagine, and one to which the Canadian is certain never to be exposed under the French law. As to the evidence during trial, and the proofs required to establish his guilt, and to subject him to the penalty for it, he knows that by the mode of procedure according to the French laws, the minutest precautions are most scrupulously observed, and that he can only be condemned on proofs as clear as the day. There remains then nothing else to cite to the advantage of the English criminal, except the satisfaction of being condemned by twelve jurors, who are called his peers. Is it credible that the Canadian, or anyone else who wished to divest himself of the prejudices of his childhood, would believe that he would be exposed to more favouritism, to more injustice, and to less enlightenment, if he were judged by a Court composed of twelve judges chosen from the class of the most honourable men in the province all thoroughly acquainted with the law (such as formed the superior council of this country under the French government, and which it is absolutely imperative to re-establish, if it is desired to insure the life, the property, and the fortune of the citizens). Is it credible, I say, that he would imagine himself less well judged by such a council, than if he were judged by twelve Jurors taken at haphazard, who might sometimes even have to be brought from a distance? At any rate, there seems to be no objection to granting these Jurors to those who prefer them.

4th The governor &c. seems also to be authorized by the bill to change the criminal law at will, with authority to create new crimes accompanied by penalties which he shall judge proper to impose ; which laws will be in force from the moment of their creation, without any need of His Majesty's approval, provided that they are not touching Religion, and that the punishments inflicted shall be limited to imprisonment for three months, or to a fine. This is a most preposterous power to be granted to a governor &c., who, if he is clever enough to get the laws passed by the privy council, acquires thereby the right of life and death over all those who shall be living in the immense country of Canada ; and who, even without this reinforcement, may keep them imprisoned for the space of three months for the smallest faults, or even for life, if the penalty (which has no fixed limit) is imposed in such a way that the delinquent cannot pay it.

I consider that this point deserves the greatest attention, or at least enough to preserve the greater number of the inhabitants of the province from being imprisoned for life, for lack of ability to pay the penalties which may be imposed upon them.