

and a competent tribunal for this purpose would spare the cost and delay of a resort to the Privy Council, and answer all the purposes proposed to be attained by the present double system of appeal.

The evils of the system of criminal justice are not so various; but, from the faulty judicial division and administrative system of the Province, the defects which exist in the constitution of the courts of justice are even more severely felt in this department. For, except at the principal towns of the five districts, there is not the slightest provision for criminal justice; and to these places all prisoners must be brought for trial from the most remote parts, subject to their jurisdiction. Thus from the extreme settlements on the Ottawa, where is now the great seat of the lumber trade, and of the large and wild population which it brings together, all prisoners have to be carried a distance of 200 miles, by bad and uncertain means of conveyance, to Montreal for trial. On the left bank of the Ottawa the law has, according to a high legal authority, no power. It was but lately that a violent mob, called Shiners, for a long time set the law at defiance, and had entirely at their mercy the large properties invested in that part of the country.

Faulty judicial divisions for purposes of criminal justice.

Besides those in the five places above mentioned, there are only three county gaols, one of which is in the district of Gaspé. There are no sessions held in any other than those places. At the Quebec, Montreal and Three Rivers quarter sessions there were, some years ago, professional and salaried chairmen, but the Assembly discontinued them. There are sheriffs only in the districts, and not in each county. They are named by the Crown for life, and are removable at pleasure. The offices are very lucrative, and are said to have been frequently disposed of from personal or political favouritism. It is also matter of complaint, that insufficient security has been taken from those appointed to them; and many individuals have consequently sustained very serious loss from the defalcation of sheriffs.

Sheriffs, &c.

But the most serious mischief in the administration of criminal justice, arises from the entire perversion of the institution of juries, by the political and national prejudices of the people. The trial by jury was introduced with the rest of the English criminal law. For a long time the composition of both grand and petit juries was settled by the Governor, and they were at first taken from the cities, which were the *chefs lieux* of the district. Complaints were made that this gave an undue preponderance to the British in those cities; though, from the proportions of the population, it is not very obvious how they could thereby obtain more than an equal share. In consequence, however, of these complaints, an order was issued under the government of Sir James Kempt, directing the sheriffs to take the juries not only from the cities, but from the adjacent country, for fifteen leagues in every direction. An Act was subsequently passed, commonly called "Mr. Viger's Jury Act," extending these limits to those of the district. The principle of taking the jury from the whole district, to which the jurisdiction of the court extended, is undoubtedly in conformity with the principles of English law; and Mr. Viger's Act, adopting the other regulations of the English jury law, provided a fair selection of juries. But if we consider the hostility and proportions of the two races, the practical effect of this law was to give the French an entire preponderance in the juries. This Act was one of the temporary Acts of the Assembly, and, having expired in 1836, the Legislative Council refused to renew it. Since that period, there has been no jury law whatever. The composition of the juries has been altogether in the hands of the Government: Private instructions, however, have been given to the sheriff to act in conformity with Sir James Kempt's ordinance; but though he has always done so, the public have had no security for any fairness in the selection of the juries. There was no visible check on the sheriff; the public knew that he could pack a jury whenever he pleased, and supposed, as a matter of course, that an officer, holding a lucrative appointment at the pleasure of Government, would be ready to carry into effect those unfair designs which they were always ready to attribute to the Government. When I arrived in the Province, the public was expecting the trials of the persons accused of participation in the late insurrection. I was, on the one hand, informed by the law officers of the Crown and the highest judicial authorities, that not the slightest chance existed under any fair system of getting a jury that would convict any of these men however clear the evidence of their guilt might be;

Perversion of juries.