

of both races, divided into two hostile sections of French and English, from neither of whom is justice expected by the mass of the hostile party. The partiality of grand and petty juries is a matter of certainty; each race relies on the vote of its countrymen to save it harmless from the law, and the mode of challenging allows of such an exclusion of the hostile party that the French offender may make sure of, and the English hope for a favourable jury, and a consequent acquittal. This state of things, and the consequent impunity of political offences, is distinctly admitted by both sides. The trial of the murderers of Chartrand has placed this disposition of the French jurors in a most glaring light: the notes of the Chief Justice in this case were transmitted by me to the Secretary of State; and a perusal of them will satisfy every candid and well-ordered mind that a base and cruel assassination, committed without a single circumstance of provocation or palliation, was brought home by evidence which no man ever pretended to doubt, against the prisoners, whom the jury nevertheless acquitted. The duty of giving this dishonest verdict had been most assiduously and shamefully inculcated by the French press before the trial came on; the jurors are said to have been kept for some time previous in the hands of zealous partisans, whose business it was not only to influence their inclination, but to stimulate their courage; the array of the leaders of the party who were present at the trial was supposed to be collected for the same purpose: and it is notorious that the acquittal was celebrated at public entertainments, to which the jurors were invited in order that they might be thanked for their verdict.

Acquittal of the murderers of Chartrand.

But the influence of this animosity does not obstruct the course of justice in political cases alone. An example of obstruction of ordinary criminal justice recently occurred at Quebec. A person had been, during a previous term, indicted and tried for some offence seriously affecting his moral character. The charge had been supported by a witness whom the jury considered perjured, and the accused had been acquitted. Having reason to believe that the witness had been instigated by a neighbour, the acquitted person indicted this neighbour for subornation of perjury, and brought the witness, who had formerly appeared against himself, to prove the falsehood of his previous evidence, and the fact of his subornation. The proof of subornation appears to have rested, in some particulars, too much on the unsupported evidence of this witness; the jury differed in opinion, one portion of them believing the guilt of the accused to be on the whole satisfactorily established, the other refusing to believe that part of the case which depended solely on the evidence of a man who came into court to swear to the fact of his own previous perjury. This was a difference of opinion which might naturally divide a jury, but as all the parties were French, and as there is nothing in the circumstances which marks this as a case in which feelings of politics or origin could be supposed to operate, it will, I imagine, appear singular that the jury, being composed nearly equally of French and English, all the French were on one side, all the English on the other. After long discussion the jury came into court, and declared their inability to agree; and the foreman, on being told by the Judge that they must agree, answered that they were an equal number of French and English, and consequently never could agree. In the end they did not, and after being locked up for twelve hours, they were discharged without giving a verdict; so that even in a case in which no question of party or of race is concerned, the animosity of the races, nevertheless, appears to present an insurmountable barrier to the impartial administration of justice.

Another example of obstruction of justice.

In such a state of feelings the course of civil government is hopelessly suspended. No confidence can be felt in the stability of any existing institution, or the security of person and property. It cannot occasion surprise that this state of things should have destroyed the tranquillity and happiness of families; that it should have depreciated the value of property, and that it should have arrested the improvement and settlement of the country. The alarming decline of the value of landed property was attested to me by some of the principal proprietors of the Province. The continual and progressive decrease of the revenue, though in some degree attributable to other causes, indicates a diminution of the wealth of the country. The staple export trade of the Province, the timber trade, has not suffered; but instead of exporting grain, the Province is now obliged to import for its own consumption. The influx of emigrants, once so considerable, has very greatly diminished. In 1832 the number of emigrants who landed at the port of Quebec amounted to 52,000; in 1837 it had fallen to a few more than 22,000; and in 1838 it did not amount to 5,000. Insecurity begins to be so strongly felt

Evils to society from national animosities.