

SESSIONAL PAPER No. 18

be passed by the governor, &c. &c.—shall the governor have the right to make statutes which might annul the fundamental laws of Canada? or even which, without annulling them, would give rise to confusion which might serve to obscure one or other of these two important points, and by the multitude of lawsuits which they would entail, bring about the certain ruin of the citizens, who would have to bear the expenses accompanying them. Should his process not rather be restricted to only making police regulations, and that strictly in accordance with the fundamental laws of the country without ever being able to step outside the spirit of these laws, such as the governor general and the Intendant of police were able to make in the aforesaid country for regulations of minor importance, and these two were in combination with the superior council for matters of greater importance. (This was the only right granted to these authorities under the French Government.) If the power mentioned in the first case is granted to the governor, what will become of the first laws of Canada, which the people desire and ask for with so much energy, looking upon them as their only safeguard? What will become of the whole existence of the Canadians, which is so closely bound up with them? What advantage will they derive from these laws, which they claim are granted them as a very special favour, and which may be taken away from them at any moment? What power will they have to compel the administration of Justice by the fulfilment of the promises which have been made to them, which alone have decided them to submit in the first place, and afterwards to settle down in general under British rule? So important a subject certainly deserves the greatest consideration, and demands that authority should be restricted in such a way that it cannot disturb one of these subjects, in any manner whatever, in any part of their possessions, rights or privileges.

3^d It seems intended to show by the Bill, that it is in great measure to satisfy the desire of the Canadians, that all French laws and modes of procedure against criminals are to be suppressed in this country, and that the English laws and modes of procedure are consequently to be substituted. What I can state as positively certain is that in the request they are making for their own laws, there is no question of excepting such of them as relate to criminals; and they would not have failed to express their opinion if they had preferred the English law on this point. They must feel that the civil code and the criminal code, being framed under the same system and intimately connected with each other are intended to mutually assist and strengthen each other in many important cases; and that in consequence there is not to be expected from this admixture of laws framed on different systems, that harmony which forms the basis of security and public tranquillity; and that they must necessarily conflict with each other and weaken each other from time to time. Besides the Canadian understands the criminal law which has been followed from the beginning in his country; he will not perhaps fully understand the law which it is sought to substitute for it, and is there a more painful situation for the thoughtful man, than never