

Mr. *Pultney* and *Captain Phipps*, were of opinion that it was irregular for a witness to answer any thing relating personally to a member, and complained that the whole tenor of the Gentleman's answers was evasive and insulting to the House.

*Lord North* maintained that the Gentleman had answered with propriety: he said the question was insulting to the Gentleman at the Bar, and the House could not expect but that he would resent it.

Mr. *E. Burke* apologized for the Gentleman next him; he did not blame the Gentleman at the Bar, but he said that the Ministers had insulted the House by referring them to him, while they knew that he could not think himself at liberty to give the information he possessed: he felt for the situation of the Gentleman, and said he would not have agreed to his being examined had not the motion for the papers been overruled.

The Advocate General called in again.

Chairman. Sir, you are to address yourself to the Chair.

Captain Phipps. Under what denomination are the papers which were delivered in by the Advocate General to the King?

A. A report.

Mr. Mackworth. I wish the gentleman would give a short account of the substance of that report, as concise as he pleases to make it.

A. I thought I had before given an account of the contents, and of the plan. It is impossible to give a short account of a long affair.

Q. In that report does he approve of juries; does he like them; what does he think of them?

A. I should choofe to be tried by them. But I think of juries as I do of every thing else in this world—every thing is imperfect. I have often considered the different modes of trial in different countries; the Civil Law Courts, the Courts of Common Law, and Chancery; their modes are all defective in discovering truth. Juries are like most other men and things; they have their excellent qualities, and they have their bad ones.

Q. Does he think it will be a hardship upon the Canadians not to have juries? not to have their lives and properties tried by a jury out of their own neighbourhood? Would it be their happiness or unhappiness?

A. If I were a Canadian I could tell what would make me happy: if I were to go to Canada I could tell the same. As an Englishman, I say that juries are a mode of trial which I like; they are very favourable to the property of the subject, and the natural liberties of mankind.

Mr. Dempster. Does the Doctor think that the present Bill is calculated to give as much freedom to Canada as is expedient to give?

A. Expedient to give them! I answered before to that question; it involves a thousand others.

Mr. C. Jenkinson. Does he think that the Canadians will not suffer greatly if the *habeas corpus* law is not introduced among them?

A. I desire the question may be repeated; the merit of the *habeas corpus* law is a great constitutional question.

Question repeated.

A. The idea of the suffering is the idea of the sufferer, and not of a third person; I cannot answer for the feelings of the Canadians.

Q. Cannot the gentleman conceive the pain of another person?