

Thus, my Lord, the uncertainty of who shall be jurors, and the nature of the office itself commencing instantly, and ending instantly in public court, gives no possibility of previous solicitation or seduction; but still there follows a right of challenge, to exclude every man against whom a suspicion lies of partiality or prejudice, whether from affection, affinity, or interest.

Let us now, my Lord, see what is the fund for an *English jury* in Canada; the number of freeholders (I do not say there are none) is small indeed; there are about three hundred Englishmen, who are housekeepers, and of these, perhaps thirty or forty are of the rank of merchants and tradesmen; the rest are disbanded soldiers, most of them sutlers; and it is a Melancholy consideration that their chief traffick is in spirituous liquors, of which they share pretty largely with their customers the common soldiers. The courts of justice sit once a week. The number of the better sort of English will not afford one legal panel in the whole year, and insufficient to do the business of juries, even supposing them to give up their time, and every other occupation to that service only: Mr. Maseres therefore admits that the burthen of attendance would be intolerable *without pay*; and he proposes five shillings a head for every time they serve: thus the office of jurymen would become a trade, a trade indeed, that none of the better sort will follow, but must fall of course upon those veterans who have left the army for the gin-shop: such must be the *English jury* in Canada, without freeholders, without challenge, without change, and in short without one attribute of an *English jury*. *Corruptio optimi fit pessima*, is a true old adage, and I speak it as a proof of the perfection of an *English jury*, that in an imperfect state it would be the worst way of trial upon earth. But it may be