

*ceedings are intended, that he is summoned, and before what Tribunal.*

It is doubtless as a consequence of those principles that the Provincial Ordinance of one thousand seven hundred and eighty-five, Chapter two, enacts that the Writ of Summons shall be in the Language of the Defendant. It was also doubtless the persons who came from other parts of the Empire to settle here, (who then, as now, were in small number in comparison with the rest of the population,) who would benefit by that Law. It was they who were exposed to the risk of being summoned in the Language of the Country of which they were presumed ignorant, and which must necessarily predominate, unless some special Provision on the subject should be made. This risk would be enhanced in a Country where the initiatory proceeding is a mere Summons, instead of Process against the body, to secure the appearance of a Defendant in Court.

These Provisions of the Ordinance of one thousand seven hundred and eighty-five are in some degree explained by those of one thousand seven hundred and eighty seven, chapter one, respecting the Language of the Jurors in Criminal Courts. By the Criminal Laws of *England* they must be taken indiscriminately from among the persons within the jurisdiction of the Sheriff. This is also the order given to him in enjoining him to take them from the body of the District, which here represents the County in *England*. It is required by the Terms of the Ordinance that one moiety of the Jurors should understand, in a degree which the Court deems sufficient, the Language of the Defence, whether French or English. By following those Rules to which the selection of the Jury is subject, persons using the English Language alone, might have complained that the decision of a trial, involving their liberty, their life, or their honour, should be confided to men not bearing to the accused any relation of identity, nor even of analogy in manners, usages, or above all in Language, the only effectual means of