

# THE BRITISH-AMERICAN REGISTER.

QUEBEC, SATURDAY, 22d. JANUARY, 1803.

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## DEBATES ON THE QUEBEC BILL.

House of Commons, June 2, 1774.

Mr. Hey, Chief Justice, called in.

Mr. Mackworth. Does Mr. Hey think that the Canadians are well satisfied with the trial by jury in criminal matters?

Mr. Hey. They are well satisfied with it.

Mr. Mackworth. Would they not be also satisfied with the same trial in civil matters?

Mr. Hey. Under certain regulations they might: for instance, if the unanimity required in England was dispensed with, and a majority of two-thirds of a jury of thirteen or fifteen was sufficient; and if they were allowed some compensation for the expense and trouble of attendance: also if the trial by that mode was optional in the parties; under these regulations, I apprehend, they would be very well satisfied with that mode of trial in civil as well as criminal cases. Half the year in Canada all business is stopped by the climate, which makes them much the busier the other half, and at that season they consequently find the attendance as jurymen a burden.

Mr. T. Townshend. Would they wish for and approve the other parts of the English law in civil matters?

Mr. Hey. They are very little acquainted with the English law, and from their ignorance of it, would be very much against its establishment. They are tenacious of their ancient

laws and customs, and would esteem a total change a great injury to them.

Mr. Baker. Would they esteem the *Habeas Corpus* Act an injury?

Mr. Hey. I cannot imagine that any people would be so stupid as not to esteem it a benefit?

Mr. T. Townshend. Would not the Canadians think an Assembly also a great benefit?

Mr. Hey. Very far from it: they are too ignorant a people to understand the value of a free government: they are exceedingly obedient; would obey the King's commands let it be what it may: if he ordered an Assembly to meet they would go, but they would not know what to do when they came there: the fact is, they are not capable of that government; they do not expect it: it is contrary to all their ideas, to all their prejudices, to all their maxims: their idea of a House of Assembly is that of a house of riot and confusion, which meets only to impede public business, and to distress the Crown; all which is a system extremely contrary to the ideas and principles of the Canadians.

Mr. T. Townshend. Did Mr. Hey ever hear of a plan or representation of what government would probably be successful in Canada?

Mr. Hey. There was a commission from his Majesty to Governor Carleton, the Attorney General, and myself, to draw up a report of that government which would be most proper for Canada. In that deliberation I had the misfortune to differ in opinion from Governor Carleton: my