

recurrence to the personal revenge which, in reliance upon Law, they had relinquished.

The present state of things requires a remedy.

This state of insecurity imperatively requires a remedy. It is therefore the desire of Her Majesty's Government that an Ordinance should be passed by the Special Council of Lower Canada, constituting a Tribunal for the trial of Treason and Murder.

Remedy proposed.

With respect to the manner in which such a Tribunal can be formed, it is not proposed to bind your Lordship's discretion. Learned Judges alone might constitute a sufficient Court for the trial of these offences; or it might be better to form Courts more nearly resembling Courts Martial,—or to combine both these species of Tribunal. But in any case where trial by Jury has excited the righteous scorn and indignation of the community, it cannot be difficult to form tribunals more impartial and more competent than the existing Juries. The cautious habits of learned Lawyers and the fairness usually exhibited by Englishmen even to enemies taken in open resistance, added to the publicity of their proceedings, would be a security that none but the most conclusive evidence would lead to convictions.

Such tribunals should be formed without delay, so that offenders might not complain that they were tried by an *Ex post facto* Law.

It would not be safe to postpone the formation of such tribunals until a new Insurrection may happen to break out, for the same objections which induced Her Majesty's Government to reject the proposition to subject the prisoners charged with being concerned in the late revolt, to new tribunals constituted after the commission of the offences, would again apply. Men would complain that they were tried by an *ex-post-facto* Law. While therefore the power of detention and imprisonment without trial may well be reserved for a period of emergency of which your Lordship will be the judge, it is the desire of Her Majesty's Government that you should at once prepare and propose to the Special Council an Ordinance for constituting Tribunals by which future rebels and murderers may be tried. The leaders and Agents of Insurrection will thus be forewarned, and cannot justly complain if they are made amenable for their crimes.

Lord Glenelg abstains from a detail of matters of minor importance; is satisfied with the general soundness of the Earl of Durham's policy, and

I have thought it unnecessary to enter in this Despatch into a detailed consideration of the observations which you have addressed to me on the course pursued by Her Majesty's Government, with regard to the affairs of Canada;—to the assurances contained in my Despatch of the 18th August, of the undimin-

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