

the suspension of the Habeas Corpus Act, as a measure involving a whole people in a penalty in order to punish a few; and you likewise condemn the levity with which a measure of this severe and arbitrary nature is spoken of in Parliamentary debates.

Suspension of Habeas Corpus adverted to.

There can be no question that an Act giving power of arbitrary detention and imprisonment is one of a serious nature, not to be resorted to without necessity founded on circumstances of public danger. But Her Majesty's Government cannot agree with Your Lordship that these temporary suspensions of a constitutional Law, do in reality affect the whole people unless upon occasions when the remedy is improperly applied to the existing evil. That remedy when properly applied, is intended to counteract the designs of a few leaders, and to separate them from the great body of their followers. In this manner it was used after the Revolution of 1688, and after the accession of the House of Hanover; and the stability of these two great settlements was perhaps in a considerable degree owing to the readiness and decision with which this remedy was applied. In such cases the leaders of Revolt, and the chiefs of conspiracy, know themselves to be struck at, and feel their safety endangered; but the great body of the people, relying on the general spirit and administration of the Law, fear nothing from its momentary interruption, and enjoy their liberty unmolested. Such, it appears to us, is the case of Lower Canada, at a moment when rebellion has but recently been suppressed, and preparations for a renewal of it are threatened. At such a moment the loyal and peaceable inhabitants of the Province will be more secure, while the fomenters of revolt are in danger, and on the other hand, if the fomenters of revolt can act with impunity, the peaceable inhabitants are in danger. Your Lordship asserts in your Despatch that in the present state of the Province "Trial by Jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community." This a picture of a most lamentable state of things, of which the truth I fear must be admitted, and the evil cannot be overated. On the due execution of justice the whole relations of society depend. If men find that the murder of their relatives and friends is not visited with retribution in a Court of Justice, it is scarcely to be expected that they will abstain from a

A measure not be resorted to, except in extreme cases.

When this remedy may be properly applied.

Instances of its use.