

one of the blackest dye, however it may, on a fair and impartial trial be palliated, or reduced to manslaughter; to pledge himself to pardon a deed, before he can possibly know, either the circumstances of deep criminality that may, perhaps, attach to it, or those which may be adduced in its extenuation or justification.

We should sooner think of his lordship's making a demand for the fugitives to be delivered up by the country, whither they have fled for refuge. This would seem to be more consonant with
JUS FICE.

I give the above letter publication, although I can not believe the report, in order that the very existence of such a rumour may cause his excellency to reflect that it could not be in circulation were not some of his former acts, as well as the general tenor of his public language, such as to make men think him inclined to consider his authority as *above the law*. It is the worst error a governor can fall into.

The admission of persons, accused of murder, to *bail*, is certainly within the competency of the judiciary, but it must be only in such cases, where very slight grounds of suspicion exist; and I do not think that, after a verdict of wilful murder has been brought in, by a coroner's jury, any bail whatsoever, can be taken. As to the taking bail at all in Canada, in criminal cases, I have before shewn it is a childish farce, for which the judges the courts, and the magistrates, ought to be ashamed; and in the case alluded to, would be trusting solely to the word of the parties, to appear to take their trials.

The suggestion in the last part of this letter, as to the governor's making a demand from the government of the country to which the parties have fled, leads me to observe that the relative rights and situations of the two countries, with reference to the taking of offenders in each other's territory, and the requisitions that may be made for the purpose of their being delivered up, seem to be little understood, either in Canada, or the neighbouring States. It is a subject which comes home to the feelings and experience of the writer of this work, and induces him, in illustration of it, to give the following extract from a memorial presented to the American government, in January 1822, in virtue of which, and of his anterior representations, he was liberated, in May following, from the unjust and rigorous imprisonment he had endured, as all the Canadian world knows, in that "living grave," the gaol of Montreal.

Alluding to some occurrences with regard to frauds committed in New-York, the parties to which, who had taken refuge in Canada, had been required by the government of that State to be given up, and had been given up in consequence, a case which had been supposed to bear upon the one in question; it is added: