

and on the other side, I was given to understand, that the prisoners and their friends supposed that, as a matter of course, they would be tried by packed juries, and that even the most clearly innocent of them would be convicted.

The people have not confidence in criminal justice.

It is, indeed, a lamentable fact, which must not be concealed, that there does not exist in the minds of the people of this Province the slightest confidence in the administration of criminal justice; nor were the complaints, or the apparent grounds for them, confined to one party.

Complaints of French against tampering with juries.

The French complain that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the Government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury. Great excitement has long existed among the French party, in consequence of a riot which took place at the election for the West Ward of Montreal, in May 1832, on which occasion the troops were called out, fired on the people, and killed three of them. An indictment was preferred against the magistrates and officers who ordered the troops to fire. It was urged by the French that the grand jury was composed almost entirely of Englishmen; that 12 out of the 23 were taken from the parish of Lachine, the smallest in the whole island; a selection which, they said, could hardly be attributed to mere chance, and that they were not in the usual station in life of grand jurymen. The opposite party, it must be observed, however, argued that this apparent selection of a majority of the grand jury from a single parish was a necessary result of some ill-contrived provision of Mr. Viger's Jury Act. The bill was thrown out, and all judicial investigation into the circumstances consequently quashed. I am merely mentioning the complaints of parties. I know not whether the preceding allegations were well founded, but there can be no doubt that such was the impression produced among the French Canadians by these proceedings, which, in their minds, completely destroyed all confidence in the administration of justice.

The French Canadians further complain that the favourable decision of a grand jury was of no avail to those who had fallen under the displeasure of the Government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeatedly preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed *ex-officio* informations.

Complaints of English against juries.

Nor are the complaints of the English population of a less serious nature. They assert, unhappily on too indisputable grounds, that the Canadian grand and petit juries have invariably used their power to insure impunity to such of their countrymen as had been guilty of political offences. The case of Chartrand is not the only one in which it is generally believed that this has been done. The murderers of an Irish private soldier of the 24th regiment, of the name of Hands, are asserted to have been saved by an equally gross violation of their oaths on the part of the jury. A respectable and intelligent member of the grand jury which sat at Montreal in October 1837, informed the Government that nothing could be more proper than the behaviour of a great majority of the jurymen, who were French Canadians, while they were occupied with cases not connected with politics. They attended patiently to the evidence, and showed themselves well disposed to follow the opinion of the foreman, who was a magistrate of great competence; but it was added, that the instant they came to a political case, all regard for even the appearance of impartiality vanished, and they threw out the bills by acclamation, without listening to the remonstrances of the foreman.

Trial by jury at present bad.

The trial by jury is therefore, at the present moment, not only productive in Lower Canada of no confidence in the honest administration of the laws, but also provides impunity for every political offence.

The magistracy.

I cannot close this account of the system of criminal justice, without making some remarks with respect to the body by which it is administered in its primary stages and minor details to the great mass of the people of the Province. I mean the magistracy; and I cannot but express my regret, that among the few institutions for the administration of justice throughout the country, which have been adopted in Lower Canada from those of England, should be that of unpaid Justices of the Peace. I do not mean in any way to disparage the character, or depreciate the