

Mr. Perry.—The subject of Courts of Law, and the upright administration of justice, which necessarily involves trial by jury, and the selection of jurors is very interesting; it is an important, it is a momentous subject. The pure and upright administration of justice is a subject, which is the highest interest of the Province to put us far beyond question or dispute as it can possibly be. Some hon. gentlemen have risen here and represented it to be completely beyond question, even now that the present system works well, and is even beyond all suspicion. Well, I wish hon. gentlemen who hold this doctrine, would make it appear by arguments and proofs, not by mere declamation. They got up here and made round assertions; but they do not pretend to substantiate their assertions; but they do not pretend to substantiate their assertions; but they do not pretend to substantiate their assertions...

receive it, they were told it must be a general verdict of guilty or not guilty, and at the same time they were given to understand that the court would take the circumstances into consideration, they were completely overruled by the court, and a general verdict was rendered, and what was the judgment? Why, they exercised the utmost severity, the law would permit—the poor man was incarcerated. I do not stand here as the advocate of every thing he said or wrote, but his case became a public question. As soon as the House of Assembly met, a petition was brought up by Mr. Thomas Dalton, who, whether he be a reformer now or not, was one then, and it was almost an unanimous wish of the house, that he should be released. Was it done? The Government seems to be more willing to release an individual from prosecution for a libel on this house, though without any request for that purpose. Was he released? By no means. But when the Brockville rioters were sent to prison for a grievous offence, what was the case then? there was no address from the House of Assembly, but yet, at the recommendation of certain individuals, these rioters were let loose upon the country; and very conspicuous they were at the late election for the county of Leeds. The public had unanimously concurred in the sentence they had received, they were denounced by all as reckless persons, and not fit to be at large, until they had, at all events, suffered the punishment due to their just offence. Then sir, there was the case of Robt. Gourlay, Esq. and it is said it was not by a jury he was tried, but by two magistrates,—if this be the case, what sort of a law was that? and how long was that law suffered to remain and disgrace the Statute Book of Upper Canada? (Hear, hear.) and by whose exertions was its renewal effected? by those of the Tories, or those of the Reformers?—When the question for its repeal was first agitated, it was opposed by the whole band of the Tories. That band has long ground ever since, and has diminished down to one individual—the Chief Justice. That gentleman stood up and opposed its repeal, and yet these are the men whom His Majesty delighted to honor, from what cause I cannot conceive. He was immediately advanced to the first office in the land, and now receives £200 per annum, as Judge, and £1200 as Speaker of the Legislative Council, besides all his other wind-falls and perquisites; and yet they tell us every thing is going on most smoothly. Mr. Gourlay was to be tried at the Assizes, not for treason I grant you, but for disobeying a Magistrate's order and therefore, when we are told he was banished by two Magistrates, the person who says so, knows nothing about it. If I am arraigned before a Jury of my country, and that Jury have no discretion whether they shall acquit me or whether they shall condemn me, I say farewell to the right of trial by Jury. I believe, if it were necessary to bring a direct charge against some persons, that it might be done; I do not doubt for a moment, that it might be ascertained, that Juries have been packed for corrupt purposes, and that, in many instances, but suppose it could not be done, and yet the law, as has been admitted, would admit of such abuse, is it not a better time to amend the law before any mischief arises from it, than to do it after the lives and property of individuals have been forfeited? You never can restore the life of a man to him, although it may be over so clear that he was an innocent person, and although the Jury had been packed, and you afterwards find that it had been the case; neither would it be easy to restore a man's property after he had been turned out of house and home, you cannot restore it to him after it has been consumed in law-suits. The time has now arrived for putting an end to all doubts upon the subject, and you can as easily say yes as no. I will mention a circumstance which came to my own knowledge a few years ago, and the facts will speak for themselves,—two young Lawyers, who had just come into practice in the Midland District, had a great deal of business at a particular Court; one of them happened to be very unsuccessful. When the sitting of the Court was over, two young chaps, Clerks to the Lawyers, chanced to be in conversation respecting the business of the Court,—the Clerk of the unsuccessful Lawyer was asked "How did his master succeed with his suits?" "Damned bad," replied the other, "there was a person on the Jury who opposed to him, and I will take care he shall never be upon the Jury again." That man has never been a Juror from that time to this. This I know for a certainty, and I have the most explicit confidence in the information that I had, that such a conversation actually occurred. If you want a direct instance of a case completely in point, there is one. The neighbors of that individual, on every side of him have been summoned over and over again, and he has been passed by.—He, of course, was very much pleased with the exception.—Now, the objections to this measure are, in the first place, that of the hon. and learned gentleman from the Town of Hamilton. He says, that nothing is more clear than that persons having causes to try, will endeavor to get Jurors of their own party, as was the case with the Grenville Committee for the trial of an Election case. The first persons struck off, were those opposed to the striker in politics. There is no doubt whatever, that this is the nature of man, for the sake of property he will sacrifice every thing. Money is the root of all evil, and there is no man but will be influenced by it—thus it is that Sheriffs are not to be trusted, with the selection of Jurors—I do not want a man who is in the power of the Lawyers, to have any thing to do with it. Show me the man, if you can who would be devoid of this influence, if placed in the situation of a sheriff. Cases of the utmost importance come before the court, and this is the time men will be induced to make use of undue influence, if they possibly can. How is it in the other case? How are they going to select them? It is to be done immediately after the business of the town meeting, and that for the whole year. They are not going to choose them for a particular trial or for a particular court, but for the year and who are they selected by? Three persons, not one single individual. When you consider the position that is proposed how does it appear? It proves that you will put the system beyond suspicion. Then one township may have a majority of Tories, another may have a majority of Reformers, and another of moderate Reformers or Whigs, thus, we shall have a mixed Jury, and no undue proportion of either. For instance the Township of Liverpool would be mixed with the Township of Camden would be Radical, no doubt, and as for Kingston, it would produce high Church and King's men for Jurors, of course. You would have the list sent in, and not only the number of Jurors you want, but three or four times as many, and for the list you would ballot a sufficient number for that occasion. Now, is it possible, that in this way you can have either a Tory or a Radical Jury,—and you must recollect that these officers are not appointed specially for making out the jury list, they fill the most important offices in the township. These men will go hand in hand, and you will get a jury made up of all parties. Then it is said the Grand Jury ought to be from the most respectable people in the country. Well sir, is there any thing in this Bill to prevent the most respectable people being called on? One hon. gentleman says the Clerk of the Peace is the person most capable of judging of what persons are best fitted for being Jurors another objects to this and says the Sheriffs are best qualified—another says he is not quite ready to go this length another says let us have the Judge of the District Court. The Judge of the Midland District Court resides in Brockville, and he knows certainly a great deal about it. Indeed it is very proper that the Judges should reside out of the District—they should be removed as much as possible, in their social acquaintance, and in their intercourse of private life, from the scene of their judicial labors, and therefore I am in favor of Judges residing out of the District where they preside as Judges.—This being the case what knowledge of the people can they sufficient to enable them to make a proper selection of Jurors, admitting the correctness of trusting to them the duty. It is known that people unqualified for serving by reason of deafness, blindness, &c. have been summoned merely through the ignorance of the Sheriff. If you adopt this measure you have persons who see the people every year, who live among them, and whose duty it is to go round among them,—if such persons are not the most capable of judging who are and who are not fit, I do not know who is. But another hon. gentleman says you will have it will if the wise men are not taken for Grand Jurors: as to that, is not the present system liable to those heart burnings and differences as much as the other would be. Where is the difference between the cases? Not an item of difference. These feelings will exist, although they never ought to exist. The public is as one great family, and the individual members of that great family ought to be willing to do every thing in concert for the peace, welfare and happiness of the whole. And therefore if I should happen to be selected as a petit juror under this system, I should not regret to bestow my services for the good of the public in the administration of justice. Then the learned Solicitor General says, above all things do not provide in this way for the selection of Grand Jurors, the present system has been in use for 40 years, therefore don't meddle with it. I do not value it more because it has been in use 40 years with all its imperfections than is the greater reason for discontinuing it. But I suppose hon. gentlemen look upon long standing abuses with reverence, and have an idea that they must not be touched and more than that the Clergy Reserves could be disposed of, which from long considering them their own they came to believe were so. The gift which they had enjoyed more than 60 years, and which they valued more than life, that was the tie that bound them to His Majesty. In my opinion the longer any evil system has been continued the more urgent the reason for amending it. Then the hon. and learned Solicitor General says, was such a thing ever known, it is no matter whether it was ever known or not, that has nothing to do with the merits of the question.—Now it is my opinion, with respect to the two Juries, that the Petit Jury ought to be composed of persons as intelligent as those of the Grand Jury. What are the duties of a Grand Jury? They hear one side of the case, and have only to decide whether the case is worthy of being brought before the court. They are troubled with no pleadings in the case, nor any contrary evidence; on the other hand, what are the duties of a Petit Jury? they have not only to decide upon the evidence which the Grand Jury have had before them, but they have the additional task of judging from conflicting testimony, of separating truth from falsehood, of determining the degree

of credibility to be attached to the different witnesses, and moreover, of listening to the squabbles of the lawyers on both sides and pick up what few grains of truth may be elicited by their means and to decide upon the whole case thus confused, by equally prepared testimony, added to the pleadings and the uncertainty which the Lawyers on either side are capable of throwing upon it. Under such circumstances it is as plain to me as the sun at noon day, that the Petit Jury should be composed of men of understanding and intelligence. The only fault I could ever see in the Grand Jury was, that they should prevent cases going before the Petit Jury, which appears frivolous and vexatious, and not to suffer the time of the court being occupied in the investigation of matters which have no good foundation and to spare the character of His Majesty's subjects, and shield them from being brought into Court upon malicious prosecutions where to be once fully indicted, is to be a knowledge almost half guilty, whereas, when acquitted by the Grand Jury, without finding a Bill, it is a most complete acquittal in the estimation of the country. What are their duties compared with those of the Petit Jury who have not only the property of their fellow subjects in their hands, but they have their lives and all that is dear to them. When hon. gentlemen therefore get up and tell you that men of intelligence must be chosen for the Grand Jury only, that the law has stood 40 years and that it must not therefore be altered, I do say in my opinion they are not worthy of a reply. Now setting aside all considerations except those of convenience, it is the Sheriff's interest to take the Jurors from one neighborhood, to lessen the expense of summoning them, and if a case of importance arising in that neighborhood is to be tried the jurors are all interested or at least prejudiced one way or the other, it is impossible but that prejudices must be created in their minds from their previous knowledge, which is almost always a partial one of the circumstances, & it is very difficult to get over these prejudices, it is less difficult to get over ignorance than to get over prejudice, all evidence in such cases is like throwing straw against the wind, of no use whatever. Now I would avoid this I would bring the Jurors as this plan contemplates from different parts of the District, men unacquainted with each other, and this would have another good effect for if they are from one neighborhood one man may have an influence over twenty. He may be considered among them as a paragon of wisdom and the views he might take of a case would go a great way with them at determining upon it. So that in place of getting the verdict of twelve men you get the verdict of one; you will not be liable to this evil if you get the Jurors from different quarters of the District there will be no inducement for stragglers to rely on the opinions and judgements of each other. You would in this case be much more likely to get a true and just award. It is said the people will not thank us for this law, that some may be summoned to serve who are now left at home. But I would ask any man, whether if he were a suitor, he would like to see a jury selected according to the Sheriff's caprice, or whether he would not rather suffer a little inconvenience himself, in order to have a jury which had been selected indiscriminately and impartially from all parts of the District. If the ends of justice require a little sacrifice of personal convenience there is no man can be found so unreasonable as to refuse it. We are all, as I said before members of one great family, and should, therefore, submit to a small inconvenience for the good of the whole; and whenever it falls to my lot to serve I shall do so most willingly,—what is my neighbor's case may be mine to-morrow. In some parts of the country, it is notorious, you will hear expressions like this; if such a man should bring an action of Ejectment against me, I would give it up at once—I would not contend with him, though I have every principle of law and justice in my favor and indisputable evidence to boot; he has got the influence of the government to support him, and it is useless to contend with him. Just look at the case which has just occurred not long ago at the Falls of Niagara, it is a case which has just occurred to my mind. Mr. Forsyth owned a property there, to which a gentleman, rather more favored by persons high in power, set up a claim, and without waiting for a legal process, he was removed by an armed band of soldiers. They threw down the buildings and fences, and threw them into the Niagara river (Hear, hear.) in defiance of all law and justice. (Hear, hear.) He brought his action to recover damages, and what was the consequence? why he was defeated, because his opponent was a man possessed of immense wealth. The administration is just beyond dispute with a vengeance! and although the letters of that individual were read in court by the Attorney General, and he was shooed off in his true colours yet a jury chosen by the Sheriff, by that immaculate system—a system which is above all suspicion—returned a verdict in his favor. Tell me after this that the administration is above suspicion—tell me there is no necessity for passing this law! But I will not be surprised at any thing which hon. gentlemen say or do. I had not intended to say any thing upon this subject two minutes before I rose. I have delivered my sentiments very frequently on the subject of trial by Jury, and the election of Jurors; and I have again given the reasons which induce me to support a bill of this kind, and I think they are such as must be entirely satisfactory to this House, that a measure is absolutely necessary. At all events they are sufficient to lead me to support a measure of this description, and until I am convinced I am wrong I shall continue to do so. With regard to its passing the other branch of the Legislature, that has nothing to do with our votes upon it. An hon. gentleman who is supposed to be in the secrets of the cabinet, has declared that it will not pass in that quarter. But we are not sent here to mould our views and fashion our acts by theirs. No, not even if they were at this day made up of the materials which it was contemplated they should be, when the constitution of this Province was framed. But how is this from being the case? So much so, that we see the Executive government making inroads and retrenches upon the rights of the people. Although there are many men in the Legislative Council whom I regard as ornaments to society and as ornaments of that house where they left to think for themselves, but who are now so completely under the control of the Executive, that no good can be expected from them. It can never be the business of this house to inquire whether our acts will meet their approbation I admit, there ought to be the most friendly intercourse between the different branches, they ought to be on the most social terms; but we are to legislate with regard to the principles of measures, and according to our conscience and judgment for the good of the country. I would go this far and say, that if by making an alteration which did not involve any principle, it would have the effect of securing its passing, let us do it; but I would never give up a principle of the bill, upon which I had taken a stand—I would alter no matter of substance. If this course were not adhered to in our proceedings on all subjects of legislation, the very intent, use and principle of having three branches of the Legislature would be lost. I therefore think nothing which has been advanced, on that score, has any weight; I hope the bill may be carried by a large majority, it is called loudly for by the country and will give satisfaction.

The Jury Bill was read the third time, and on the question for passing, the yeas and nays were taken as follows: YEAS.—22. NAYS.—13. Majority 19.

EUROPEAN INTELLIGENCE.

ENGLAND.

THE ENGLISH ELECTIONS.—All the returns have been received except from Ross and Orkney—two members.—The Reformers claim a majority of 156 over the Conservatives; but the papers of the latter speak with shaken confidence as to the result.—Their hope seems to be, that there is so wide a chasm between the Conservative Whig Reformers and the Radicals, that the former will choose to support Sir Robert Peel, rather than to be hurried farther towards the vortex of revolution by the Democrats. The Times argues that Earl Grey and his friends will oppose as much as the Duke of Wellington, the inroads of democracy on monarchy or the destruction of the church. "The fact is," says the Times, "that the great questions which divided public men are settled, and the grounds of party contest broken up. The people have obtained real representation; they have the machinery which guarantees a course of practical reform, be the Government Whig or Tory, and between the Whigs of the Grey school and the present Premier the points of difference are insignificant compared with those of agreement."

Sir Robert Peel took the oath of office as First Lord of the Treasury and Chancellor of the Exchequer, on the 27th of January. On the same day, attired in his robes of Office, he took his seat as Chancellor on the bench with the learned Barons of the Court of Exchequer.

DESTRUCTION OF THE MEDICAL SCHOOL IN SHEFFIELD.—The following account of the Destruction of the Medical School in Sheffield, is taken from the Iris of that town, of Jan. 27. It affords a striking commentary upon the utter senselessness, as well as the wickedness of a mob:—

An usual degree of excitement prevailed in this town last Sunday, and riotous acts have been committed, chiefly by a number of disorderly youths, for the suppression of which however, it was finally deemed needful to call in military interference. All this arose out of a drunken brawl between a man and his wife. They were employed to take care of the Medical school, in Eyre-street, and resided on the premises. It seems that both the man and wife frequently got intoxicated; and created disturbances in the night. On Sunday afternoon they were both much intoxicated; and as usual under such circumstances, began to quarrel. In this drunken broil they were joined by an Irishman, whom they had improperly admitted into the house. The two men thrust the woman out of doors, who, in a state of drunken fury, alarmed the neighbours and passers by with the cry of murder; telling people, at the same time, that the two men in the house were intent on murdering her. Police force was fetched, and the men carried off to prison. All this produced a strong and rapidly spreading sensation; and a thousand ridiculous and idle tales about Burking and so forth were soon afloat. The crowd augmenting, a considerable police force was kept on the spot, and acts of violence were prevented that evening, the people having gradually dispersed themselves. During the night all was quiet, and remained so at seven o'clock yesterday morning.

At eight o'clock, one hour later we were again on the spot and found the premises taken possession of, chiefly by boys; indeed, there was one man only amongst them that we could observe. They were then occupied in breaking the frames of the windows, and ejecting into the street, chairs, forms, stools, tables, books, in short, every moveable article, of which a fire was made in the street. The building was soon completely gutted, the very staircase and floors being torn up and committed to the flames. At half-past nine the constables and others endeavored to stay the work of destruction, but in vain. The house was now nearly gutted, and the fire in the street, being continually increased with fresh fuel from the floors, doors, ceilings, stairs, and every thing that would burn, now raged with terrific fury. On the fire engines arriving at the spot, they were welcomed with stones and pieces of slate which compelled them to retire. In consequence of the house having been set fire to, they were again recalled, and appeared under the protection of the military. They commenced playing on the flames, and succeeded in extinguishing them. About 10 o'clock, the aspect of affairs assumed so truly an alarming appearance, that it was deemed advisable to dispatch messengers in post-chaises, with directions to proceed at full speed for the assistance of any of the neighboring magistrates. Soon after Mr. Kayner arrived in front of the Town Hall, at the head of a detachment of the 6th Inniskillen Dragoons, commanded by a serjeant.

The crowd fled on their approach, and the depredators ceased their mischievous employment and took to their heels. By twelve o'clock the people had nearly all dispersed; there was altogether such an appearance of quietness about the spot that it was thought unnecessary to detain the military longer; they were, therefore, released from their duty, and returned to the barracks. About half-past one another attack was made on the ill-fated premises; the fire was rekindled in the street, and the horrid work of destruction was again in operation in all its original fury. The military were again called out, and galloped down Eyre-street at half-past two, and simultaneously a foot race was seen in every direction. They succeeded in capturing one of the rioters; he was sent to the Town Hall, guarded by a party of dragoons. The back of the house is completely demolished of floors, joists, beams, and all from the ground to the roof removed. A considerable portion of the brick work of the outer wall was likewise broken down. A portion of the mob, consisting chiefly of boys, apparently tired gazing at the soldiers, left the large multitude now surrounding them, and proceeded about six o'clock to the Medical-hall in Surrey-street, where they commenced throwing at the windows, breaking most of them.

A cry was now raised "For Mr. Overend's!" we presume a medical man. A movement was instantly made in that direction. When they reached Church street, a few squares in the windows were broken; the rioters were somewhat intimidated by a report of fire-arms from the door of the house. In a few minutes a party of dragoons arrived, and further mischief was thereby prevented; a body of police was also shortly afterwards marched to the spot.

Half-past seven.—A troop of dragoons have dismounted, and are standing with their horses opposite the Medical Hall. The concourse of people has considerably decreased. The well disposed have considered it best to depart, as night has come on.—Dragoons are parading the street, and all is still where the riot commenced. Some disposition for tumult appears to prevail in St. James' street." As no further outrage is stated, we presume the night passed quietly. We cannot forbear expressing our opinion that sufficient energy has not characterised the expressive measures adopted for putting down this disgraceful and disorderly tumult, and for preventing such shameful superstitious destruction of property. Neither can we forbear from stating how reproachful such scenes are to our national character, and intelligence. The vulgar, and even such as have pretensions above vulgarity, are always alarmed by some bugbear or other.

IRELAND.

GREAT FAILURE IN DUBLIN.

DUBLIN, Jan. 21.—The bank of Gibbons and Williams, No. 39 Dame street received its letters this morning, and soon after the following notice was posted on the closed door:—

"Orders from the Northern Banking Company, Belfast, and its branches, and the Commercial Bank, of Scotland and its branches, and the orders of Jones, Loyd & Co.; and W. Jones, Loyd & Co. Manchester, will be paid by Messrs. Boyle, Low, Pim & Co., College green."

Gibbons and Williams have between £6,000 and £8,000 of their notes in circulation; and the immediate cause of their stoppage was the receipt of intelligence from Jones, Loyd & Co., in Manchester, that they must decline accepting their drafts. Advises have been received to day from London that their drafts were refused there by Jones, Loyd & Co. on Monday.

The total amount of their outstanding engagements is near £300,000. Here the shock has created great surprise, and will do probably some more mischief ere its effects are over.

They had many of Bachel and Costello's bills in their hands lately (i. e. the provision merchants, who failed here last week.)

Gibbons and Williams had a good many of their notes pushed into circulation amongst the farmers, particularly in the county of Westmeath, where an estate of theirs lies, and also among the shipping interests. One Dublin house is in for £60,000, and a house in Liverpool for £24,000.

The Right Hon. James Fitzgerald died at Boolestown on the 20th Jan. at the age of ninety-three, deeply regretted by his countrymen, having filled many important offices with great fidelity to his country's interests. His eloquence was of the purest style, and the tone of his voice so harmonious, that he has been deservedly styled the "silver tongued Prime Serjeant." He has been the last survivor of those glorious men, who, in a bloodless field, won for their country a constitution in 1782.