The Upper Canada Herald.

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The Herald,

PUBLISHED EVERY TUESDAY

For Mrs. E. Thomson

her Office, in Store Street, nearly opposite the Mansion House Hotel, Kingston, Upper Canada, where all orders will be thankfully received, and punctually attended to.

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EVERY DESCRIPTION OF LETTER PRESS PRINTING WILL BE PERFORMED AT THE HERALD OFFICE.

Variety.

VINEGAR AND GOOSE.—Dr. Lenigar, a titular archbishop, a man of very lively parts, happened in a mixed company, to be introduced to a Mr. Swan, a gentleman of a cynical turn, whose practice it was to attempt to raise a laugh at the expense of some of the company. They sat near each other at table, where the doctor engaged general attention by his sprightly manner. Mr. Swan, to silence him, said, "Dr.——, I forgot your name." "Lenigar, Sir." returned the doctor. "I ask your pardon," replied Swan, "I have the misfortune scarcely ever to recollect names; you'll not be offended, therefore, if, in the course of conversation, I call you Dr. Vinegar!" "Oh, not at all, Sir," returned the doctor, "I have the the very same defect; and it is very probable, though I now name you Swan, I may by and by call you Goose!"

PARLIAMENTARY BULL.—Several years ago in consequence of the scarcity of wheat an act of Parliament was passed, prohibiting the bakers from selling their bread till at least it was one day old. Whilst the Bill was in its progress through the House of Commons, the then Speaker put the question upon it in the following words: "That the Bill for preventing the bakers from *making stale bread*, be now read a second time."

There is not, perhaps, on record, an accident attended by a more providential escape from instant death than the one we are about to speak of, which occurred at Pontefract, on the evening of Thursday, the 18th, inst. A workman, and a boy about 14 years of age an apprentice to Mr. Bevitt, ironfounder, were engaged in making some alterations in a pump, in a well newly made, about 23 yards deep. The boy was holding a candle and looking up to the mouth of the well at the moment that a pair of smith's tongs fell from the top. The tongs were, as usual of iron, and one of the handles perforated the leather peak of the boy's cap, and entered just above the eye-brows, passing through the socket and the palate-bone into the mouth, opposite the second molar tooth, slightly wounding the tongue, through the muscles and skin the iron appearing three inches below the under jaw, having just reached the sternum. In this situation was the poor boy, (with the tongs standing two feet above his head,) until the arrival of two medical men, several attempts having been made, in the interim, by the workmen to withdraw the iron tongs, but without effect. In the presence of the medical men, and by an immense force, they were extracted, and the lad appeared quite relieved. He afterwards walked nimbly up stairs to bed, and the proper dressings were applied, and since that time no untoward symptom has appeared. The eye seems to have sustained little injury.

[Doncaster Gazette.]

From the Morning Courier.

REMARKS ON THE MONTREAL MARKETS
Friday, March 6, 1835.

ASHES.—The advices from England of a continued improvement in prices, have caused this article to be more sought for the last two days, and sales are made at 28s. 3d. a 28s. 6d. Parcels would probably command from 3d. a 6d. per. cwt. advance. The stock in Store is about 600 barrels more than at the same period last year.

WHEAT.—The market has been quiet throughout the week, and we have no alteration in price to notice. A parcel, deliverable in May on board craft in the Chambly River, has been offered in vain at 4s. per. minot, cash. Sellers of good Upper Canada Mixed, deliverable ex first boats, have appeared at 4s. 6d. per. 60 lbs.; but no transactions have come to our knowledge.

FLOUR.—This article has been more enquired for. A sale was made yesterday of 800 barrels Canada Fine at 23s. per. barrel, 90 days; a parcel of U. S. Superfine, of a prime brand, has likewise been placed at 25s. 3d. per barrel, 90 days.

After a protracted and laborious investigation of four days, the case of ISAAC JONES and JAMES JONES, accused of the murder of LOUIS MARCOUX, at Sorel, at the period of the late election in that borough, was this day brought to a close. After a luminous charge from the Chief Justice, the Jury retired, and in about half an hour, returned into Court with a verdict of NOT GUILTY.—[Mont. Gaz.]

INFORMATION IS WANTED, of Thomas Knight and his wife, who left near the Town of Knaresborough, Yorkshire, England, two years ago last May.—They sailed in the ship Victory, and were last heard of from Quebec, in July 1832, on their way to the neighbourhood of Toronto. Any information respecting them will be very thankfully received by their daughter Sarah, addressed to her husband Mr. Hudson, Sandwich, Western District Upper Canada.

Sandwich, Jan. 14th 1835.

PROVINCIAL PARLIAMENT
OF
Upper Canada.

HOUSE OF ASSEMBLY.
Saturday, February 28.

JURY BILL—THIRD READING.

[Reported by Mr. Junkin.]

MR. BOULTON said, although he did not consider the present mode of summoning juries to be the best that could be adopted, yet he thought the plan proposed by this bill to be ten times worse. He was opposed to the bill, and would state his objections. He was willing to admit that it was in the power of Sheriffs to make an improper selection of jurors under the present law, tho' he had not heard any complaints of that kind alleged against them in any District in the Province. But how was a jury to be selected by the provisions of this bill?—Why, the Assessors, Collectors, and Town Clerk were to select the jury—they were to say who should serve as jurors and who should not, and it would be out of the power of the Sheriff to choose a Jury from any part of the District. Another objection against this bill, and one which he thought very important, was that a special jury could not be had under it. It was sometimes absolutely necessary for the ends of justice to summon a special jury, as when a scientific subject was to be tried, or one with which people in general were not acquainted and this bill would have the effect of defeating justice in such cases by denying a special jury. He thought the Judges of the District Courts would be the most proper persons to summon a special jury, from the assessment rolls or any other information within their reach. This bill enacted that the expences of a special jury should fall upon the party who asked for it, and that would be a great hindrance to obtaining justice. He did not think this bill could ever pass into a law, and it was not, in his own opinion, brought forward for that purpose. He was satisfied it would be rejected by another branch of the Legislature, [hear, hear,] and they would have very good grounds for rejecting it. For there was no doubt that it would give general dissatisfaction to the country, and in a few years the people would petition to have the old system restored. There was no necessity for any alteration in the present law, for as he said, he had never heard of any abuse of the power of the Sheriffs, although he would admit they could do so if they saw fit; [hear, hear.] but if any Sheriff did so he could be punished as other public officers for misconduct; for he was not only responsible to public opinion for the manner in which he exercised his trust, but to the government who appointed him. He had no doubt but that the bill would pass that house, the majority would no doubt be in favor of it, because it diminished the prerogatives of the Crown, and put power into the hands of the people. But it should be borne in mind into whose hands it was proposed to put this very important trust of selecting jurors, it was into the hands of persons elected at town meetings. But it was well known that the more respectable and intelligent class of the people did not attend these town-meetings, and from the manner in which they were in general conducted it was not likely the most judicious selection would be made for the performance of a duty in which the interests of the country were so much involved. For these reasons he would vote against it, and hoped it would never become a law.

[REPORTED BY MR. FOWLER.]

DR. C. DUNCOMBE.—The hon. gentleman renders a reason for his opposition to this measure, that it will deprive the people of an opportunity of having special juries of their own choosing. They ought never to be allowed to do so. A party to a suit ought never to have the power of choosing his own jury. Then the hon. gentlemen brings a general charge against town meetings. He says it is an improper and unfit place for selecting persons to decide on important matters. He thinks it better to place the power of choosing jurors in the hands of the District Court Judge.—Now I would ask that hon. and learned gentleman, if he really thinks the Judge of the District Court, can be better capable of judging of the fitness and qualification of house & freeholders, to serve on juries, than the people themselves and those whom they may select from among them. I certainly think there can be no more just and equitable mode of selecting jurors than the one proposed by the Bill. The persons who are to select them have no interest whatever to promote by a partial or unjust selection. But can it be said of the Judge of the District Court, that he may not sometimes have some degree of bias? Is there not reason to suppose, that such persons will invariably be named by the Judge, as would be inclined to favor that side of the question, which he believed to be right?—Would he not esteem those who thought with him, regarding the question best capable of judging. Would he not have a higher opinion of their capabilities of judging, from the circumstance of their coinciding with him in opinion. The hon. and learned gentleman says it can never become a law—that it cannot pass the other branches of the Legislature. This is certainly paying a poor compliment to the Legislative Council, to say that a measure, because it in some slight degree increases the power of the people, cannot therefore pass that house. It is a poor compliment to the influence of public opinion, expressed thro' the representations of the people, for I believe in this house only three voted against the Bill at its second reading. I shall support the right of the representative body of the Legislature, to possess some small influence at all events. They are entitled to some share in legislating in this country, and the disposition of another branch is not required to be taken into consideration, in the votes we give on any measure in this House. He says it would not be at all satisfactory to the other branches, is that any reason why we should not pass it? I think not. We might not be able to offer any measure but they would repeal it. This should not, however, deter us from performing our duty. The hon. and learned genleman says there is no complaint regarding the present system, but supposing this to be the case my answer is, there can be no harm apprehended from the present measure, because power entrusted in the hands of the people, in matters that concern themselves so intimately as the administering justice among themselves, cannot be abused. It would be contrary to their own interest, to make a wrong use of it. He has not shown how this power can be exercised at the township meetings to the prejudice of the people. Are we not very properly, from time to time, doing all we can to lessen the expences of law proceedings, and to bring justice home to every man's door. We should, on the same principle, adopt the measure proposed by this Bill, and for this reason, I shall give my decided voice in favor of it.

MR. SOL. GENERAL did not intend to occupy the attention of the House with any lengthened speech on the present occasion, but he certainly could not give a silent vote on a measure of so much importance to the administration of justice in this country.—Now, this principle of Legislation altogether is such as I am not aware of the existence of in any other part of the British Dominions, but it is one of those innovations which the people cry out very loudly for, and therefore, I suppose this house must assent to it. The selection of Jurors is left to the Town Clerks, the Assessors and Collectors. Now, who are those persons? They are persons chosen by the people to fill an office for the period of a year, at the end of that year they give place to others. I certainly think you will not improve the system much by putting it in the power of those persons to select Jurors. That is my own opinion. An hon. gentleman suggests leaving the selection to the Judge—(I certainly do not see what he can have to do with it)—I suppose hon. gentlemen who advocate this bill think if left to the Sheriff or to the Judge either, that there would be a dangerous influence of party feeling. Now, will the town Clerks, Assessors & Collectors be altogether devoid of this influence. It is quite as objectionable that Jurors, on the trial of a popular cause should be selected by persons having a bias to the popular side as by those who are supposed to incline to the opposite. Besides the selection of Jurors from all parts of the country by those persons named, will, in my opinion, be very likely to be attended with much perplexity. I do not think the plan will work well. It is said an evil exists in the present mode, but how is this proved. It is only said Sheriffs have it in their power to do that which would be manifestly wrong, and which, if they should do, they would deserve to be discharged. Has any instance been shown of this having been done? I have been engaged in practice at the Bar, these 25 or 30 years and I have not known an instance of the kind yet. On the contrary, I have generally found that when a question came up upon which any bias existed, that bias was on the popular side, therefore, as far as my experience goes, that supposition has with me, no weight. But, when you are going to change the whole system you ought to point out some particular abuse actually committed and then show how the remedy is to be applied. All that is said is that, it is a bad principle to leave the selection to any individual—with this I perfectly agree, but how is it to be remedied? Will it be remedied by the adoption of such a measure as this? I say it will not. When you have ballotted in the presence of the Clerk of the Peace, &c. as therein provided, in the first place you must summon those who have been ballotted, for, and no body else—the Sheriff cannot even make up a new ballot, so that if one is deficient the administration of justice must stop—you cannot go on—now, this strikes me as an obvious objection.—You will summon persons from a remote part of the District, for instance, at Marmora in the Midland District, and an hundred miles from tho District Town, and half their time will be spent in travelling the distance, while there are plenty of persons at hand, in every respect as well fitted for the business of serving on the Jury. As to this measure, I think no evil can be remedied by it, but the reverse, it will be a great detriment to the administration of justice. But I do think the present Jury laws lequire amendment, and I will tell you in what respect. I think you should facilitate as much as possible the striking of Special Jurors. It does away with every chance of the Jury being packed by the Sheriff. Raise the qualifications of Petit Jurors, and if by any means you can have them registered, it should be done, that the Sheriff may know who is of proper age and who is duly qualified. The object is to get men of intelligence as well as honesty, and such are more likely to be obtained when you take the Jurors from among those persons possessed of the great amount of property; and also make it necessary for the Sheriff, if you like to delare his pannel a week before the Sessions, so that suitors may know who are to compose the Jury and obtain a Special Jury if they think necessary. Do this, and you will assuredly benefit the administration of justice: But I certainly look upon it as a good feature in the present system, that Sheriffs have a certain discretionary power. You have but one person at all events to look to, you are not obliged to go and enquire into the correctness and propriety of three or four persons who are this year in office and next year out of it. I have never heard of any act of impropriety on the part of the Sheriffs—if any such has come within the knowledge of any hon. gentleman he ought to disclose the particulars and let the matter be judged of as it deserves. Whenever any measure comes before this house which has for its object the remedy of any known evil I trust I shall be always found ready to concur in it; but I shall never be willing to consent to one calculated to inflict a greater evil, on a greater number of persons. It is all very well to argue, that it is a popular system, that the people desire it, that it is a very defined system, and will satisfy the country—all this is very plausible, and I do not mean to deny that it is in some extent true, but in its operation, which is the true test of all measures, it will be found wanting. Then, with respect to Grand Juries, does the hon. gentleman really think it is fitting they should be selected in the manner pointed out in this Bill? It would be establishing a new principle in our legal institutions which is not allowed. It is laid down by a most learned writer on this subject, that Grand Jurors should be taken from the number of persons of the greatest figure and standing in the country. If any hon. gentleman will open the Commentaries of Sir William Blackstone, that book which no man can open without benefit and instruction, he will find this rule has always been observed. They are mostly always taken from Magistrates, and in this there is a manifest advantage, because they must have a more intimate and di[illegible] knowledge of the evils requiring to be r[illegible]edied. They come more particularly un[illegible] their view and they are the persons w[illegible] ought to be selected. I would have the [illegible]ministration of justice like Cæsar's wife, not only pure but unsuspected. Now there is another subject to be mentioned with regard to Petit Jurors. In the case of the sickness which it has pleased providence to afflict this country with for two or three years past, would it be advisable to bring them from a distant part of the District keeping them far from their homes, while there are plenty of persons at hand. This is a bill which has been long talked of and it is said to be such a bill as the people of the country require. It is no such thing—more than half the population are entirely unacquainted with it—in act if they were, they would not know which would be the better course. We are here to let the people know what is good to be adopted. It is a most foolish supposition that we are to adopt changes whenever a cry is raised for them; we must needs be continually changing—it reminds me of the fable of the frogs. This is a bill against which I must record my vote, and I do so with no feelings of hostility towards those who are its supporters, but I am fully persuaded it would be injurious in its effects. Why not take example from the mother country. A bill for which Sir Robert Peel was applauded more than for any other act of his life was a Jury Bill which placed the Jury laws on the footing of our own at the present moment. I did not expect any debate upon this bill at its present stage, for it must of course be carried by the preponderating force of those champions for the public good, who cry out on all occasions, see how we have beenexerting ourselves to render you happy. What good they in effect produce, will be bet judged of by the sequel.

MR. RYKERT would, before the passing of the bill, express the opinions he entertained with regard to it. He thought a change in the system of the Jury laws was actualy necessary, for reasons which he wouldstate. He found it not unfrequently to be the case that Sheriffs would intrust the whole matter of summoning Juries to their deputies in office, who are in most cases, itcompetent to the proper discharge of their duty; and if not uncompetent at least inattentive and negligent; consequently, the jury is selected invariably from that part of the district where the Deputy Sheriff has most business to transact, in order to save the additional trouble and expense of travel—in this manner, he (Mr. R.) had known some persons who had never been called upon for a period of ten years, to serve upon a Jury, while others were summoned two or three times successively in one year; whether this proceeded from corrupt motives he could not tell, but it goes at all events to show that there are imperfections in the system which ought to be remedied. But the measure before them proposeed giving the selection to persons who would perhaps be liable to as much objection as Sheriffs, they would be as likely to select persons coinciding with their political views as Sheriffs might be. He (Mr. R.) would be glad, a bill passed to provide that Jurors should be taken from the different parts of the district eqally; and a bill to that effect, he thought, would obviate every evil complained of. His impression was, that the present measure was not calculatod to correct the evil, and therefore should not give it his support.

MR. MERRIT.—As it is my intention to record my vote against the measure, I shall assign my reasons for doing so. The measure has been held out as one of great importance to the administration of justice. Now if I thought it was one which was calculated to remedy any evil I would support it; I would do so if I thought there was any good objection against the present system, but I do not believe that any such exists.—Now, among the arguments I have heard in Committee as well as before the House, I have heard none adduced which carries conviction to my mind that any very great evil exists in our present system. It is true I heard complaints in two cases, those of Mr. Ferguson in the Niagara District, and Mr. Gourlay, as to the first I know nothing, as to other, we all know that Mr. G. was tried and sentenced to banishment under a positive law, the Grand jury had nothing to do with it. Now I think the measure here proposed will produce injurious effects, it will have the effect of creating ill will, if nothing more; for instance, here are two men living side by side, I happen to be the man of greatest wealth, my neighbor, the man of intelligence—the question is, which of us is entitled to serve on the Grand and which on the Petit Jury. The most entelligent man is made a Grand Juryman, and I with all my pride of wealth, am obliged to serve on the Petit Jury. It will serve to create malevolence and evil feeling. Now I have another objection, our District town is situated at the extreme part of the District, and you are going to oblige individuals residing in the opposite extremity to serve on juries equally with those who live conveniently near; their expenses will of course, be sadly disproportioned. Now, according to the present system, the Grand Jury is selected out of the most intelligent portion of the community, generally residing near the Court House; they do not feel their duty oppressive, their homes are adjacent, to which they return each night; they do not complain, they are satisfied with the present system, and if they who have the duty to perform do not complain, it is hardly to be supposed that others will complan at being exempt. Our Courts are respectable—the system is working well, we do indeed hear evils complained of in the proceedings of law; we hear of oppression with regard to arrests, but it is not the fault of our Courts, it is rather that of its practitioners. (Hear, hear.) The cause of these complains I hope, we shall be able, in some measure to remove, but with respect to the system of Jury laws, it is working well, and any change will only serve to make it worse.

MR. ROBINSON.—As I shall be one of the very few who vote against this Bill, I will take the liberty of stating my reasons. And I can assure the hon. gentleman from Oxford, that when I vote against the Bill, I do so with no unfriendly feeling. My vote is not guided by personal feeling, as it appears the votes of the hon. member for the Second Riding of York are. He had [illegible]tion to a certain measure which [illegible] the House the other day, but [illegible]jections to the character of the [illegible]dual who brought it in. I do not [illegible]te in this way. Now sir, the Town [illegible], the Assessor and the Collector, do [illegible]ntly fill those offices, they will [illegible] same trouble that an individual would do who is conscious of the responsibility resting constantly on himself. I am not prepared to say, that some good [illegible]y not be made, but it strikes [illegible] that the Sheriff is the person best fitted for the duty of summoning them. If he summon improper persons once, he will [illegible] be one [illegible]unity of doing it. He will be removed from his office & if that office be profitable to him, he will not desire [illegible] sons may send such persons for jurors they please; & as they go out of place, as a matter of course at the year's end they lose nothing whatever. Now in our own District there will be nearly 1500 names, from which only 48 will be required to be drawn by ballot. The persons drawn may not be the most fit persons; they may not be equally capable with many who are left out. I think the objection of the hon. friend from Durham, has some weight—they should be allowed the full scope of the District to choose in, not confined to any particular spot set apart by particular persons. I think there might probably be an advantage in requiring a person to register the real occupation and residence of persons who are qualified to serve on juries. I am not aware that the people of the country generally, are very anxious to obtain a law of this kind. I am satisfied, that the persons named in that Bill, would not take half the trouble, nor be half so efficient as Sheriffs would, I therefore feel it my duty to vote against it.

MR. MCNAB.—It seems to he the order of the day for every hon member to express his opinion before he votes upon this question. Well sir I am decidedly opposed to the bill, and for very few and plain reasons which I will state in few words. But first of all I have no objection to it because it emanated from the other side of the house. The hon. mover has given himself an infinite deal of trouble with it—he has persevered in it year after year, and I am satisfied he thinks it is a good measure or he would not have done so. The tendency of the bill is to take the power of selecting jurors out of the hands of the Sheriff and put it into other hands. Now I think it cannot be put into better hands than it is in. The Office of the Sheriff is a most important & responsible office, and this is one reason why the government should be exceedingly cautious in the appointment of Sheriffs. The very moment you give the selection of Jurors to the Town Clerk, &c. that moment there will be numberless candidates for those offices, and if there should be a majority for thorough going Radicals, this will be the time for putting all of that party upon the trial of their suits. (Hear hear.) The hon. gentleman from Halton [Mr. Durand has stated his reason for objecting to the present system to be, that he has never beenselected as a Grand or Petit Juror. I cannot certainly account for this: But because the Sheriff has not appreciated his merits, I do not think that is a sufficient reasons for condemning the whole system; and besides, now that the hint has been given, I have no doubt at the very next session that hon. gentleman will not only be summoned, but actually promoted to the honour of Foreman of the Petit jury. Now I do feel a great reluctance to interfere so largly with the existing law, as to adopt a new system altogether. I have never heard an instance of a jury having been summoned from corrupt or unworthy motives: I am sure if any had occurred it would have been easy for hon. members to show the fact to this house. The instance mentioned of a sentence at Niagara of a fine and the pillory, which was deemed unjust, was that the fault of the jury? (Sol. Gen. the hon. gentleman ought to state that there was an address from the House of Assembly for the prosecution.) I do not think it at all necessary; the party was prosecuted for a libel, from what quarter the prosecution came makes no difference, he was tried by a jury of his country and found guilty. The judge, it is said, did inflict a very severe punishment, and such as his offence did not merit. This house then addressed His Excellency respecting it, and a part of the sentence was remitted. Again with regard to Mr. Gourlay's case, the jury had nothing to do with it, he was brought up before two Magistrates, tried, and banished. I thank God the law, under which that proceeding took place, no longer disgraces our Statute Book. [Hear, hear.] As to this measure, it will prove an injudicious one. I do not believe these persons will take as much disinterested pains in the selection of Jurors as the Sheriff would do. I believe as soon as the power belongs to them, you will have furious contests for these offices, and that they will select as many of their own kidney as they possibly can. For these reasons, and others which have been already expressed by other hon. members, and in better terms, perhaps, than I can do I shall vote against the bill.

MR. PERRY.—The subjects 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 it is the highest interest of the Province to put as 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 with proofs. If it is a perfect system, & one which admits of no improvement, there must be causes and reasons which can be brought forward and made appear.—Are we to reject this measure, because that dignitary—the Chief Justice—who is supposed to be almost not quite the government itself, and allowed not only by his political enemies, but even by his friends, to be the head, and heart, and body, and substance of the Legislative Council, I say, to reject a beneficial measure of this kind, merely because it does not suit the voice of that exalted personage?—I say no; I am told to say no. The system requires a change—it calls loudly for a change—because its foundation is rotten There is no doubt of it. I do not care whether you can bring an actual charge against a Sheriff or not, it is enough that a door is open for abuse. Why sir, in order to have the administration entirely pure and unsuspected, you must remove the Judges as far from political life as possible. What is the duty of a Judge? It is to expound the law. Just take a look at our Statute book, and how many and how various are the constructions it admits of. Whose office is it to construe these laws? The Judges of the King's Bench. Well sir, how is it with our Judges of the King's Bench?—Who is it that we have to sit in judgment and construe these laws in this country? It is a person who has a hand in making them, not only in one branch of the legislature, but the whole substance of the government itself. Leader for years and years of his party, he has imbibed prejudices which I do not believe, the longest day of his life will rid of, such as it will be almost impossible for him to divest himself of.—He has great abilities, that I will not dispute. He is a man of talent and of tact. I have been in Parliament with him for years, and I know that if any man has talent and tact, he has it. There is not a man of the same school of politics who has come after him, has tact equal to him. You might as well compare night to day, as to compare any leader of that party who has succeeded him, with him. But great as his talents may be, we have our judgments to guide us, and his approval of a certain system of policy, is not a sufficient reason for our binding ourselves to it. For hon. gentlemen to get up here, and say this system is pure, and that it is beyond suspicion? they might as well [illegible] made out of green cheese. I am astonished that hon. [illegible] for forget the true value of a right which ought to be sacred and dear to Canadians as well as Englishmen, that they would suffer it to be put in competition with pounds, shillings and pence. It is not this alone that is to be considered; but it is the lives, the character, and all that is near and dear, and sacred to a subject, is in the hands of the juror. Will any one under these circumstances, class it for a moment with an affair of pounds, shillings and pence. Who can doubt for a moment, that if it is possible this measure can bro't about, that this House could be better employed—that they could do any thing that would contribute more to the peace, security, and satisfaction of the country, than the amending this system? Nothing can compare with it in importance. No one has attempted to deny that it is in the power of Sheriff's to pack juries if they please. One of the hon. gentlemen says he does not know any instance, although he admits the possibility of it. Well then, has any one attempted to show that any thing laid down in this Bill, is susceptible of any abuse, by any possibility. It is a miserable shift indeed that they are driven to. It only shows the weakness of the position they have taken, when hon. gentlemen make assertions without supporting them by any proof.—They must be foolish indeed, if they have arguments in their favor and will not produce them, unless it be for the very worthy reason assigned not long ago by an hon. and learned gentleman, that the House were not worthy of having arguments adduced to them, especially since you, Mr. Speaker, were not upon the floor. Fifty-nine representatives of the people assembled here to make laws were not fit to be argued with. This can be the only reason why hon. gentlemen withold their arguments if they have any, and if they think it a sufficient reason, let them follow it. If they can reconcile such conduct to themselves as representatives of the people, let them do it. But this is a shift we find hon. gentlemen make use of, at the very time they are using all the arguments they are capable of. They will tell you that it is utter waste of time to deal with this House in argument—that it is like throwing pearls before swine. I admit hon. gentlemen might have some shadow of excuse for making such declarations, if they had produced arguments that were convincing. But where are arguments to show that the rule laid down in this Bill is liable to as much objection as the old system is? You cannot show it. As the law now is; suppose a jury is wanted, the Sheriff selects such persons as he deems expedient for that special case, and the unfortunate suitor may know his fate before the Court sits to try his case. It has been remarked by my hon. friend, that in his District, the Sheriff was under the influence of the Lawyers in some respects, and I know it to be the case elsewhere. It certainly places the Sheriff in an awkward predicament, when his affairs become somewhat embarassed. He is then as completely in the hands of the Lawyers as any thing can be.—When the state of the Sheriff's affairs is such that the Lawyers are afraid to let money come into his hands, it places him completely at their mercy; and the Lawyers at whose mercy he is, will of course, have an improper influence over him, and if they desire to carry on a particular case, in a way most calculated to insure its success, they make use of the assistance of the Sheriff in the way they think proper. There is no lawyer but will have an interest in carrying a particular case that will excite a great noise in the country, in order to get his name up—(hear, hear)—that it may be said of him, he is a lawyer that has won such and such a case—he must be a very good lawyer—we will employ him. This lawyer will never for a moment hesitate to obtain such a jury, by means of his influence over the sheriff, as will be most favorable to him. I have heard many complaints about this very thing.—You cannot produce perhaps any direct charge upon a particular Sheriff, because he is under no necessity to disclose his corrupt practices to any person. He need not blazon them all over the world, it is a matter within his own breast, it does not require a combination of persons to effect the evil. He requires no assistance, and it is not to be supposed for a moment, that the Sheriff who was disposed to act corruptly would ever disclose it. If he were fool enough to let it be known, he would of course be deprived of his office. It is not in the nature of things to suppose he would do it. But, because you cannot bring home to the Sheriff any particular charge, it is no reason to suppose that no cause of complaint exists. A man may be morally certain of a thing and yet not be able to offer evidence of the fact. He may make up his mind from the character of the Jury summoned, and from other circumstances which will not leave a shade of doubt, and yet be quite incapable of proceeding tangible proof. But, in the absence of all proof, it is quite sufficient, that it is admitted the Sheriff has the power to pack a Jury, because, as I said before, every thing is depending on it. The time may come, as the time has been in England—Glorious England—when it will be the object and interest of Government to hunt down particular individuals, on account of their political principles. The time has been when this persecution was carried to an unparralleled extent, as soon as an individual became obnoxious to the Government, the fiery engine was put in operation, and men were arraigned before a Jury of their country to stand their trial, whether they should live, or whether they should die, and this for no cause under Heaven, save that they were become politically obnoxious. The time may arrive in Upper Canada, a great many suspicions have been afloat, that something of this kind has been projected in Upper Canada. But, the administration begin to find that they cannot ride rough-shod over the people, that the Representative branch of the Legislature must be respected. I believe these high-handed proceedings are becoming a little less the order of the day, than in times past,—and, perhaps it is partly because things are not wearing the same aspect in England which they did some time ago, yet these changements are liable to change. We may have a change as will look with different eyes on matters and things from what they do at this moment. I believe, however, the Executive Government are in a fair way of becoming what they should be.—They begin to respect the wishes of the people, and the time is not far distant, when the advisers of the Crown will be in or out of office according as the people are satisfied or dissatisfied with their conduct.

The language that has been used in this house shows that something is afloat. Some people begin to find they stand on slippery places, and that the people are not going to be insulted with gross abuse. I hope we shall go on in the cause of Reform. I hope the views of the people at large will be more and more respected, and that they will be made contented and happy, but in order to do this, you must have the administration of justice pure, you must have it put out of the power of Sheriffs to pack Jurors, for the time may come when it will be the case, that individuals will be hunted down like a stricken deer. It is said that Mr. Ferguson was prosecuted agreeably to an address of the House of Assembly. Granted.—And may not the Jury have been chosen to meet the views of the House of Assembly?—Then there was another individual, who was prosecuted for a libel—Francis Collins. The Jury delivered a special verdict, and the Court would not 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

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