

not unanimous, only on giving security for debt and costs, or to abide the final determination, unless in such last cases, under special and exceptional circumstances, the Circuit Appeal Court shall allow an appeal, then upon such terms as such Court shall think just and expedient. A writ of Error to be brought in said Circuit Appeal Courts respectively, from judgments in any civil action of any of the Courts of said Provinces respectively, in any case in which proceedings have been according to the course of the Common Law, and appeals thereon shall be allowed from Circuit Appeal Courts in like manner and on like terms as are provided for appeals therefrom in ordinary cases; and such proceedings to be, as nearly as possible, in conformity with the practice of the Exchequer Chamber in England.

No appeal to be allowed in any case unless a notice of intention to appeal, containing the grounds of appeal, be given to the opposite side, and a copy thereof filed in the office of the Clerk of the Court appealed from within thirty days.

The appellant to comply with terms of appeal, and transmit to the Appeal Court within three months copies of all proceedings, with the decision appealed from, and the reasons therefor. Parties agreeing thereto, to be allowed to present their case to either Appellate Court by printed instead of oral arguments, the appellant stating his case, and furnishing a copy thereof to the opposite side, who shall, if he chooses, answer the same, furnishing the appellant with a copy thereof; the appellant to have the right of reply: copies of all of which to be filed in the Court below, and furnished to the Judges of the Appellate Court, who may give judgment thereon in like manner as if the case was argued orally before such Court.

Barristers and Attorneys of the Superior Courts of the Provinces to be Barristers and Attorneys of the Appeal Court.

The decision of the General Appeal Court to be final and conclusive, unless in cases involving questions of a national and perhaps a constitutional character, where the appeal to the Judicial Committee to be retained.

By this scheme, all matters of trifling value, involving no important principle, are left to the final decision of the local tribunals.

An appeal in other cases is furnished at the door as it were of the suitors, and is only final when the adjudication is the unanimous decision of the Supreme Court of the Province, and of the Appellate Circuit Court composed of three Judges who have had no connection with the original judgment, and even then, in certain exceptional cases, a further appeal may be had of right, and in others, if the Circuit Appellate Court think the same reasonable.

With reference to the extra duty this would throw on the Judges—with the number named I should think the labor would be comparatively light.

Speaking for New Brunswick, with the Court composed, as it has been for upwards of thirty years, of five Judges, I should think satisfactory arrangements could be made. If, from experience, the work should prove too burthensome, the difficulty could be easily obviated by strengthening the Local Courts.

Such an Appeal Court, with ample power to review all judgments rendered, would, without disturbing existing judicial institutions, and unsettling men's minds, in my opinion, without any additional Court of original jurisdiction, secure to the Dominion that appoints all the Judges of the Superior Courts, not only uniform judgment on the constitutionality and construction of all Dominion and Provincial Statutes, but a proper and uniform administration of all local laws, as well as the consistent execution of its own laws, as distinguished from those of the Province; a power no doubt essential to good order, and the avoidance of contradiction, confusion, and