

vince, the Law can not possibly require more than Six. Three for the business of the Civil and Criminal Courts, and Three for the Courts of appeals. In England a writ of error lies from the Inferior courts of Record to the King's Bench, and from the King's Bench, to the House of Lords; but in this Country as we have no Court of Common Pleas, any action above £ 10 Stg. must be tried in the Court of King's Bench; and if their shou'd be any appeal from thence, it can only be carried to a superior Court, which is the Court of appeals, or if this Court cou'd be dispens'd with, to the Legislative Council, as the House of Lords here.

This would I fear be throwing too much duty upon the Legislative Council, but if for example the Inferior Court of Common Pleas were establish'd at Quebec, Montreal, Three Rivers, and other places upon the Circuit, three Judges wou'd be sufficient; a King's Bench Court would perhaps *only be necessary* at Quebec and Montreal with the Chief Justice as Judge; this wou'd render unnecessary Seven Judges out of the Eleven, because the appeals from the Common Pleas, wou'd be carried to the Superior Court of King's Bench, the weight therefore, of the greater portion of the appeals would be upon the King's Bench, and the appeals from the Court of King's Bench might without overburthening the Legislative Council be decided by them.

This arrangement would probably be as conducive to the general ends of justice as a separate Court of Appeals, and would save all the expense of one. In either alternative a great reduction might safely take place; in one case five Judges, and in the other seven, would be no longer necessary. In the administration of French Law as no *Jury* is impanelled the causes are decided by a majority of the Judges on the Bench, and as it has happened in Quebec, in consequence of there being *four* Judges on the Bench, causes have not been decided and perhaps *never will*. If a majority be indispensable, an odd number will, of course, only ensure it; and in justice, as well as in mathematics, *three* will be found in every event to yield the greatest proportion that numbers can devise, namely, two to one. This plan, however, cannot succeed unless the duties of a Judge, be less resident and sedentary than they are at present. It would be sufficient, probably, that the Chief Justice of the King's Bench and a Puisne Judge resided in Quebec; and that the Chief Justice of the Court of Common Pleas and a Puisne Judge resided in Montreal. For the Court of Common Pleas, therefore, in Quebec, it would require the two Judges in Montreal as associates *here* with the Puisne Judge; and for the Common Pleas in Montreal, it would only require the *Puisne Judge from Quebec*. For the other parts of the Province, and where Courts are not at present held, for which Petitions have been pouring in for the last several years, and strongly recommended by His Grace the Duke of Richmond, it would be sufficient, probably, to form *three circuits*, the Eastern, Western, and the Home; one Judge would be sufficient for each of these circuits; it would only be necessary to insert the names of two principal Magistrates in the Judges' Commission, who will then sit as associate Judges, as is the *practice* at this moment in Upper Canada. The Civil and Criminal Courts might be held in the Counties at the same time, and either two or three times a year, as necessity might point out. Perhaps there is nothing which so much contri-