

The issue is between the framer of the measure and the system which it is now proposed to subvert. In the opinion of your Committee the measure will prove wholly inadequate to the purposes intended. It will increase the expenses attendant upon the administration of Justice. It will place a majority of the Judges of the land in a novel and degrading position. It will detract from the consideration they have hitherto enjoyed. It will render their decisions liable to review by a Court composed of Professional men like themselves, fewer in number, probably not their superiors in talent, integrity, or legal knowledge. And it will confer upon a very few men judicial powers, unlimited in extent, and in their exercise not unlikely to prove dangerous to the rights of property and the welfare of the community.

It is the opinion of your Committee that ere a change so sweeping be submitted to the consideration of the Legislature, inquiry should be directed to determine the measure and extent of the evils complained of, and the most efficient means of redress.

Your Committee are opposed to the abolition of the existing Districts. They see no reason to disturb the present divisions of the Province, unless it should be considered expedient to reunite the District of St. Francis to that of Three-Rivers.

They do not perceive the necessity of abrogating the present Courts of King's Bench, or of separating the Criminal from the Civil Jurisdiction,—of withdrawing from these Courts any of the powers, authority and jurisdictions which they now exercise. They recognize the propriety of abolishing the present Court of Appeals, but they are opposed to the creation of a legal tribunal as a Court of Supreme Appellate Jurisdiction throughout the Province, composed of members other than the Judges in the Courts of Original Jurisdiction. They cannot recognize the policy or the wisdom of the project which would create two distinct legal tribunals, composed exclusively of Lawyers, with power to the one, to control and revise the decisions of the other, and this under circumstances which would imply no superiority of talent, intelligence or legal knowledge, on the part of the men by whom this appellate jurisdiction would be exercised. They see not the propriety of creating two Courts so wholly differing from each other in rank and authority, however it may be permitted to some Judges to enjoy a pre-eminence in their respective Courts. Wherever unlimited and supreme original jurisdiction is confided to a Court, the inference is unavoidable, that its members are not unworthy of the trust, and if it be judged fitting that its decisions should, in certain cases, be liable to revision by means of an appeal, the power of revision and control should not be committed to a body of Judges in no other respects distinguished from the men whose judgments they are called upon to revise, than by an artificial distinction of rank.

The province of a Court of Appeals is not to try the cause, but the justice of the sentence appealed from. What assurance is offered to the public that the opinion of the two or three Judges who are to constitute the proposed Court of Queen's Bench, will be more matured or more entitled to respect, than the opinions of the Judges by whom the sentence was first pronounced? Will the mere fact of assigning to this Court of Queen's Bench certain attributes and a certain authority, render that Court morally and intellectually superior to the Court whose judgments it is authorised to pass in review?

Should it be deemed advisable that the judgments of lawyers should be passed in review by other lawyers, your Committee would direct attention to the practice in the Court of Exchequer