

other judges upon the case appealed ; they are, of course, wholly disinterested ; and the matter appealed being a matter of legal learning and judgment, upon which they, equally with the other members of the Court of Appeal, are competent to form a sound legal opinion, there is no good reason why they should be excluded.

In a court constituted as I propose, the practical working in Appeals from the Court of Queen's Bench would be, that the cause appealed would be heard for the first time by the three Equity Judges, the additional members of the court, and by the Judge of the Court of Queen's Bench, who, during the argument of the cause in *banc*, presided in the practice court. Thus, out of a court composed probably of eight or nine judges, it would be new to the majority of them. In Appeals from Chancery there would be a like result, and the three Equity Judges sitting in the Court of Appeal with the other members of that court would divest such Court of Appeal of the character of an Appeal from a Court of Equity to a Court of Common Law.

The plan I have suggested would, I verily believe, if carried out, give to Upper Canada a good Court of Appeal, which the present one is not ; and an accessible one, which the Appeal to the Queen in Council (with rare exceptions) is not. I am not, however, bigotted in my opinion. I shall rejoice to see any measure adopted which may attain the same end.