

and controversies respecting the titles of land, and the tenure, descent, alienation, incumbrances and settlements of real estates, and the distribution of the personal property of persons dying intestate, in which his Majesty's new subjects are most interested) for the decision of which, except in cases hereafter to be mentioned, resort should be had to the laws and customs of Canada, but that juries should be granted in all Courts having original jurisdictions, if demanded by either party, in all real and personal actions whatever.

*Article XI.* The defects in the practice in the inferior Courts, as pointed out in the observation on the last article, have made their way into the Court of Appeals, which, for these eight years last past, has laboured under a great disadvantage, namely, *that of not having one gentleman bred to the science of the law, presiding or sitting in that Court, in order to explain the law, and point out the errors in the proceedings, if any, to the other members.* Indeed it is much to be lamented there do not preside in all the Courts regularly-bred professional men, capable of conducting the business with propriety and dispatch. The great number and fluctuation of the members of this Court, must also of necessity embarrass the decisions and create delays. If this Court was in its constitution assimilated to that of others in his