

The Attorney says, "an Infinity of Actions might be sustained for Acts done in accordance with the uniform Practice of the Court; and a Scene of Confusion would ensue, of which the Extent cannot be foreseen."

In answer to this we say, do not by a Perseverance in Error add to the Infinity of Actions; do not increase the Scene of Confusion; but do, Mr. Attorney, as Judge Willis would have done, bring a Bill into Parliament, and cure the Evil. Common Sense points out this as the only effectual Course to put a Stop to Confusion; and there is nothing but weak Argument and legal Quibble opposed to it.

The Attorney General cites Authorities for our Guidance in the Construction of Statutes under Consideration, and we find "Plowden" is his Favourite.

As far as we have gone in this Argument, the only Weapons we have made use of to demolish the Fabric attempted to be raised by the Attorney are his own Arguments upon other Questions, and what Blackstone terms the Foundation of Law, Common Sense. But we shall now turn to his Favourite. Plowden says, "the best Way to expound a Statute is to consider what Answer those who made the Act would have given the Questions made if proposed to them."

Well then, suppose the following Questions had been put to them:

Have you established a Court "for the general and regular Administration of Justice throughout this Province," in which Court Three Judges shall preside?

Did you intend by the Words, "A Chief Justice together with Two Puisné Judges shall preside in Court," that Two or One of the Three Judges so appointed to preside should not preside? Or that the Attendance of any Two or One of them is sufficient for the general and regular Administration of Justice?

Was it your Intention that a Judge who presides at Nisi Prius, and who may act ignorantly or corruptly, should preside alone in the Court above, and determine upon his own corrupt or ignorant Proceedings?

We leave these Questions to be answered by any Person; and if the Answers given do not support our Arguments and break down the Attorney's, we shall strike our Colours.

The Attorney says, "to assume that every Provision in an Act of Parliament, or every Commission or Writ, or Clause in a Commission or Writ, is of absolute Necessity, is a very unsafe Principle to argue upon." Why then Mr. Attorney have you dabbled so much in the minor Clauses of the Acts under Consideration, and fled from the Preambles and first enacting Clauses, which convey in plain and forcible Language the Objects of the Acts and the Intentions of the Framers? Why adopt what you yourself term an unsafe Principle to argue upon?