

These seem to be all the provisions which it will be necessary to make by statute for the proceedings in Error in criminal cases.

89. As regards matters of procedure and practice of a subordinate character both criminal and civil, which may have been overlooked in the foregoing report, it will be necessary to give to the Judges of the Court of Appeal, ample powers to make and publish from time to time, such Rules as they may find desirable for more fully carrying out the provisions of the Act, to have the same effect as if contained in the Act.

89a. Power ought to be given to the Judges, to make tables of fees in respect of all proceedings under this Act; and the amount thereof should have relation to the amount of work thrown upon the Officers of the Court. Fees.

CONCLUSION.

90. We have now exhausted all the topics connected with the constitution, jurisdiction, and procedure of a Court of Appeal, which we seem called upon to consider at present. Concluding remarks on the contents of the report.

There are, doubtless, many things, in respect of which our Report will, on more mature consideration, be found to be faulty or incomplete; and many useful additions, condensations, emendations, and substitutions will naturally suggest themselves to the minds of those on whom may devolve the duty of finally settling the draft of a Bill for the consideration of the Legislature.

In the meantime, we would again emphatically disavow the intention of affirming, with regard to the suggestions offered in the shape of "proposed clauses," that the language therein employed is the fittest to express effectually the objects of the suggestions, or that the practical provisions of which we have given sketches, are in all cases and in all respects, the most desirable and convenient for carrying out the principles, the adoption and development of which it has been our principal duty and desire to recommend.

91. The extent and variety of the subjects which it has been incumbent on us to investigate, the brief space of time which we have been able to dedicate to the work, and our inability to have frequent meetings and consultations together, at intervals, (which would have so much facilitated our progress, and tended to secure precision and security in the results of our labours), must form our apology to your Excellency, if strict but candid criticism should discover, as well may be, no small amount of crudeness, oversight and imperfection in the foregoing pages.

GEORGE ALFRED ARNEY, C.J.
ALEXANDER J. JOHNSTON, J.
HENRY B. GRESSION, J.