

who render judgment, three can be better than five and that the party who has the least number of judges in his favour should gain his case against him who has the greater number."

Mr. Veuillot says—" *un point d'exclamation ne saurait tenir lieu d'une pointe d'esprit.*" I know very well the learned Commissioner does not require that it should ; but seriously will he tell us in what country the law exacts that the judges of appeal should be selected from a different body and under different conditions as to moral and legal fitness than the judges of the other superior courts of law ? The truth is, that in the few sentences dealing with appeal, the essential vice of the whole of the Commissioner's system crops out. He sets forth on a revolutionary basis, and he denies the influence of authority. To him the authority of a Court of Appeal to reverse the decision of an Inferior Tribunal is based on a fiction and an abstract thesis. How can it be based on both I am not sufficiently a philosopher to understand. Left to my own intelligence, I should describe authority as a postulate in establishing the problem of civilization, and it is just as much required in support of the judgment of five or eight as of one. The right of a tribunal to condemn depends exactly on the same principle as the right of the governing body to legislate—that is on authority—and this is equally true whether the power be derived from an honest vote, a ballot-box fraud or inheritance.

Under the pressure of his heterodox and discontented ideas the Commissioner is evidently much perplexed. One curious device he suggests to disarm public opinion, is to silence the dissenting judges. Those who do not agree with the judgment are not only to say nothing, they are to conceal for ever their difference of opinion, and I presume, as it is necessary for the complete success of the plan, they are forever to affect to hold an opinion in which they don't believe. But if the opinion of the minority becomes that of the majority in another case, as may very well happen in a court of six judges, with a quorum of five, perhaps the Commissioner will inform us how the