

technical and complicated proceedings, and that when leave is granted the incident may take years to decide.

It seems to me that the Commissioner exaggerates the inconveniences of these appeals and underrates their advantages. Strange as it may appear, interlocutory orders are not unfrequently given that would be so lengthy and costly that they would put an end to the suit. We had once a case of an application for leave to appeal from a judgment requiring a recognized parishioner of St. Laurent to establish anew the limits of the Parish of Lachine before he could get his child christened at St. Laurent. If the appeal is on a law issue, it cannot possibly require years to decide it ; but an insufficient plea allowed to stand frequently leads to interminable evidence. Again, the procedure to obtain leave to appeal is as simple as it can be made,—a summary application backed with copies of such part of the record as is absolutely required to show the point.

It being part of the plan to do away with demurrers has nothing to do with the question, except in so far as it concerns the text of the article. Whatever other mode of settling the issue is adopted, will give rise to a parallel, if not to a similar judgment. But there is another class of cases not excepted as creating really a "*préjugé définitif*," and which might cause delay—*Inscription en faux*, an *enquête* or an *expertise*. The Commissioner admits that the opinion of the bar is that where one of these proceedings is wrongfully ordered, an irremediable injury is done. He contends that this view is wholly unfounded. "Cannot this judgment," he asks, "entirely overlook the report of the experts or the account so rendered . . . set aside the evidence obtained in this irregular manner, and dismiss the pretensions of the party who had no other means of sustaining them ?" Strictly speaking the evidence might be disregarded, and probably it would be if the party had no other means of sustaining his pretensions ; but how would it be if the evidence were otherwise contradictory ? The common sense of the bar answers the query. "However vigilant and dispassionate my judge