and intelligent, and they neither abdicate their functions from respect to the judge, nor do they think it part of their duty factiously to disregard what he says.

The Commissioner has criticized sharply several points of procedure, and, I think, with some success, although I cannot concur completely in his views.

The first of these matters I shall refer to is the proposition to take away the right of appeal from interlocutory judgments. He attacks Art. 1116 C. C. P., with reason. The " *procéduriers* " properly call the evil to be remedied a " *préjugé définitif,*" and our article would have been much more defensible if it had been drawn something in this sense : " The Court of Appeal, on application, may in its discretion grant leave to appeal from any interlocutory judgment in an appealable case, which may be permanently detrimental to the party against whom it is rendered, as for instance—(1) When it in part decides the issue ; (2) When it orders the doing of anything which cannot be remedied by the final judgment ; (3) When it unnecessarily delays the trial of the suit."

This, however, is the interpretation which has invariably been given to the article. When a *défense en droit* is dismissed, leave to appeal has never been granted. Again, when a plea is dismissed on motion or *réponse en droit*, it is usually granted unless the plea is bad, or is covered by other pleadings. It is always granted when the effect of the judgment is necessarily detrimental, if wrong, except when it goes for moderate aliments.

The Commissioner admits that cases of the last mentioned class are only interlocutory in form, and that therefore, where the case is appealable, they should be appealable.

We have then only to examine his criticism of the two other categories. He remarks that the chief appeals from interlocutory judgments, except those just mentioned, are those dismissing pleas, and he goes on to ridicule the idea that adding a new incident can ever shorten litigation. He says that to obtain leave to appeal on the incident requires