peal to the Supreme Court and to the P. C.? As I have already shown, the appeal from the decision of the Court of Review is only conditional, the condition being that the judgment of the Court of first instance is reversed. Evocation has no resemblance to appeal. Evocation does not increase the degrees of jurisdiction in number. It simply carries on in a higher court what has begun in a lower one. As well might it be called an augmentation in the number of degrees of jurisdiction to pass a case from the first to the second chamber, as is proposed by the report. It is impossible to conceive how so thoroughly trained a lawyer as the Commissioner should have confounded two things so dissimilar as evocation and appeal, and I can only account for it by supposing that he was carried away by his indignation that there should be tribunals to deal with particular matters exclusively. He exclaims—"The time has long passed in which certain Courts had privileged jurisdiction over special matters, outside of their pecuniary interest." The word *privilege* has a peculiarly exciting influence on some minds, owing to some, to me, inexplicable cause. My simplicity leads me to think that we are one and all living on privilege. But if privilege is so obnoxious, why, may I ask, should there be any privileged jurisdiction owing to pecuniary interest? In my weak abstractions I am inclined to think that the poor man's penny deserves as much protection (but absolutely and very particularly *no more*) as the rich man's pound. But there is the unattainable, and my *à priori* philosophy fails in the same way as does the theory of perpetual motion. The attainable is for society and not for the individual. Were there no friction we should all slip from our stools.

Soberly, the criterion is always interest, and money is not the perfect measure of interest. It is a conventional and a convenient one, but it does not furnish a measure for our tastes and for our affections. This is the principal reason why one rule is established for a small promissory note and another for real estate. The note states its value on its face, the land or the future right does not. These exceptions to the money value, if that be looked upon as the *general* instead of the *common* rule, stand therefore on principles identical to that of the Commissioner's sole exception, namely, when there is a question as to the constitutionality of a general or a local law.

Although the Commissioner thinks it undeniable, that where the capital of a rent or the interest in real estate is estimated at an amount within the jurisdiction of the County Court, that Court ought to have jurisdiction without evocation or appeal, still, he admits, there is difficulty when the capital is beyond the jurisdiction of the lower court.

His mode of getting over the difficulty is somewhat curious. He would leave the jurisdiction of the arrears to the local court, if within its jurisdiction, reckoned by the amount of the action, but he would have it declared by statute, that the thing should not be *chose jugée* as to the principal. So, having a rent of $60 on a capital of $1000, the plaintiff might perpetually be defeated of his interest without being able ever to bring his case before a Superior Court of Law. The distinction made for fees of office and sums due to the Sovereign stands on quite a different ground. It is not a protection to the right of the Sovereign or of the office-holder. It is established in jealousy of their rights, so that they may not impose small exactions on the authority of a subaltern judge, without appeal. I am, perhaps, less jealous of the rights of the Sovereign than most people in this country, but I trust this very wholesome safeguard of private rights will not be disturbed.

The title of the Court of Appeal, "Court of Queen's Bench," is historically not very well founded. Probably the name was given, without any very critical examination, and principally from an amiable desire to conciliate the English minority, when substituting the name of "Cour Supérieure" for that of "Court of Queen's Bench," for the great civil law court of the Province. Any change in the name would likely give rise to misinterpretation, and even if it were more open to objection than it is it would not be worth while. Besides, the proposed name of "Court of Appeal" would as little express all the functions of the court as the present one. It is the great criminal court of the country, and so far is as properly styled "Court of Queen's Bench" as "Court of Appeal." The reformer of nomenclature must therefore show more ingenuity than is exhibited in Article 2, before disassoci-