sioner justly remarks, the evil of over decentralisation is gradually being cured. Another reason for not abolishing an institution once created, is that it interferes with the stability of positions, on which people have some right to count, and to acquire which, they may have made great sacrifices. Without placing such positions exactly in the category of vested rights, they have much analogy with them.

I cannot agree with the Commissioner in his hostility to the Court of Review. His objections seem to be, that it has all the inconvenience of an additional appeal, that it is not really an appeal, and that it is a retrograde step in restoring centralisation.

It is not absolutely correct to say that the Court of Review adds an extra step to litigation. It only does so when there is a conflict between the Court of first instance and the Court of Review. It has been a Court of appeal to all intents and purposes for nearly ten years. Even before that time, the judges, out of deference to the wishes of the bar, did not sit in Review on their own judgments, and since 1872 the judge *a quo* is by law disqualified to sit.

The last objection sounds strangely coming immediately after the following vivid picture of the evils of the decentralization of 1857 :

"But the excessive increase of these courts created too many jurisdictions, and placed the judges exercising their functions therein, in an isolated position which was prejudicial to uniformity in jurisprudence.

"This isolation was also prejudicial to the advocates, divided into numerous sections of the bar, strangers to each other, and without professional intercourse or any interest in common. It retarded the rise of the legal profession and deprived the country parts of that social influence which they had a right to expect from it. Thus, by disseminating beyond measure the operations of the judicial power, decentralization diminished its vigor and loosened its ties."

The Report suggests no remedy for these evils. The isolation of the judges would not be diminished by the adoption of any of its suggestions, nor can I understand what in anything proposed is to raise the legal profession, or to augment that social influence which it has not yet wielded, it appears, in the country parts. To speak of the domination of the great centres, and the interference with the judicial autonomy of the new districts, as being abuses, is declamation, misplaced in a work of this kind. There are the same reasons for the Court of Review sitting in Montreal and Quebec as exist for the Court of Appeals sitting there, and it is no more interference with the judicial autonomy (whatever that may mean) of the new districts in one case than in the other.

The embarrassment in enacting scientific laws, owing to the prejudices of the great mass of the people, who cannot possibly comprehend their recondite meaning, is the great danger to be apprehended from popular legislatures, and a commission to be useful, must carefully abstain from demagogic appeals.

If it is intended by the note to article 5 to intimate that the judges sitting in Montreal were more merciful to their judgments than to those of their country colleagues, the insinuation is gratuitous, and unsustained by anything but gossip. General appreciations of this sort ought to have no weight, particularly where it is so easy to show by results whether the rumour is founded, or is only the oft-repeated grievance of a disappointed lawyer or a chagrined judge. Nor would it justify such an insinuation to show that proportionately more country cases were reversed in Review than those from the Districts of Quebec and Montreal. It is antecedently probable that the decisions arrived at by a judge in a great centre will be more often correct than those delivered by the same judge in the isolation of the country. And this the Commissioner seems to admit.

The practical results of the Court of Review are the best answer to the objections of the report. Its main object is to give opportunity to all unsuccessful suitors to be heard by three judges for a very moderate outlay. The Court certainly answers that end. Last year there were in Montreal of cases inscribed 195, of which 143 were finally terminated by confirmation. In Quebec there were 74 inscribed, of which 46 were confirmed. There were thus 189 cases finally disposed of, all of which might have come to the Court of Appeal. If even half of these cases had been appealed, the Court of