

case of the present Minister, mature judgment is aided by a keen acumen most necessary in the official legal adviser of the Governor-General and the legal member of His Majesty's Privy Council for Canada.

"THE LAW OF THE CASE."

Whether wisely or unwisely, the system of Anglo-Saxon jurisprudence is built upon precedent rather than upon principle, and a decision of a court of last resort once made, whether in conformity with well-recognized principles of law supposed to guide courts in arriving at their conclusions, or in flagrant violation of all known principles, becomes the "law of the land" for that jurisdiction, especially where the court conceives that it may have become a "rule of property;" and we seem to be fast arriving at that stage in the development and decline of the Roman civil law when in its decadence the "Law of Citation" was enacted, and which, in the time of the Glossators, degenerated into the "Rule of Thumb;" when the lawyers, chained by tradition and cramped by the demands of daily practice, were quite satisfied with a stale rehashing of well-known ideas, and sought only for illustrative cases which were supposed to explain some legal principle—but which frequently leave the ruling doctrine as much muddled and uncertain as ever. The legal profession and the bench, alike, becoming blind victims of the fetish of authority-worship, developed the rule of taking for law whatever some authority had once asserted, and, when there were opposing opinions on record, deciding by the mere number of opinions upon one side or the other, without giving any consideration to the learning and rectitude of the man or the justness of the opinion. Dogma and authority worship having superseded reason and science, the doctrine of "*communis opinio*," or the weight of opinion, that is, the rule that the recorded opinion which had the greater number of adherents was the sound one, prevailed. Under this rule the judge decided, not by the aid of his own knowledge and reflection and reasoning, but by following that opinion which numbered amongst its adherents a majority of