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*HARD CASES MAKE BAD LAW.*

The Erie County (New York) Bar Association at its May meeting passed the following resolution: "That it is detrimental to the public welfare for the judges of this state to ignore well-settled principles in order to enable them to render decisions which conform more closely to the sense of justice and right of the individual judge or judges constituting the court." We presume there is good reason for re-stating a proposition which lies at the root of the administration of law, at least in Anglo-Saxon countries. The lay mind naturally runs into error on this subject and thinks that every case should be decided according to his or her individual idea of right and wrong; and the same crude notion prevails in the minds of those professional men who have failed to grasp the principles involved.

Our contemporary, *The Law Notes*, in referring to this matter, discusses some decisions in the New York Supreme Court in an article entitled, "Prevalence of alleged justice on the Bench," and remarks that "we have not noticed any cases decided by the New York Supreme Court where the judges exhibit a disgusting predilection for justice." That, however, is a domestic matter which we must leave to themselves to settle; but we gladly reproduce from the same journal the remarks of a learned western jurist, Mr. Justice Marshall, who says in *Clemons v. Chicago, etc., Ry. Co.*, 137 Wis. 387: "Rules of law cannot be changed by the court and adapted to the exigencies of particular cases, however distressing they may be. With indifference to results, except as seriousness thereof may stimulate greater care, established principles must be applied as the infallible test of what is right and what is wrong in the legal aspect. Whether the law as we find it is as we would have it to be if we were permitted to make it, instead of being mere instrumentalities to apply it, is immaterial. Our responsibility begins when we are invoked for its application. It ends when we apply it as we find it. The grade of fidelity with which the duty is performed is to be measured by the vigour and courage with which we labour in our own