be worked out by hundreds of individuals, each for himself. Did we possess a systematized body of law, we should have more earnest students, more skilful lawyers, and better and cheaper justice. That the acquisition of the law can ever be an easy task, or its administration otherwise than burdensome, it were folly to expect; but there can be no reason why an effort should not be made to aid the practitioner and to ease the suitor. The two results go hand in hand; whatever tends to simplify the law and to render it cognoscible and easy of access, tends also to diminish the heavy fees, the vexatious delays, and the occasional miscarriages which are now so justly complained of.

[The Reviewer, after commenting upon the conflicting systems of Common Law and Chancery Law, and the cumbrous laws regulating transfers and mortgages in England, proceeds :—]

We have given evidence, we trust of a sufficiently cogent character, in support of the view that inaccessibility is the mastervice of our legal system. It remains to be added that the mischief is multiplying at an alarming rate, and bids fair at no distant date to expand into truly formidable dimensions. The Case Law is stated by the Lord Chancellor already to occupy between 1100 and 1200 volumes, and is growing with constantly increasing rapidity.

"At this time there are at least forty or fifty distinct sets of reports pouring their streams into the immense reservoir of law, and creating what can hardly be described, but may be denominated a great chaos of judicial legislation."—P. 8.

Sir J. P. Wilde also bears testimony to the vast increase of reported cases in modern times :—

"I do not stop to inquire into causes, but the fact is that the present century has added more decided cases to the law than are to be found in the records of the five preceding centuries put together. This vast agglomeration breeds not only confusion in those who are bound by the law, but inconsistency in those who administer it. No power of assimilation can keep pace with such production, and the tribunals, occupied to the full with the business before them, have little time to master the results of contemporary decisions."

A second defect in the law as it is, though in our view one of which the extent is somewhat overrated, is want of certainty. The system of precedent, which on the whole tends to fix the law even down to minute details, works in some instances in the contrary direction, and instead of removing doubt, introduces it. The result is brought about through the agency of vicious precedents. Judges are not infallible, and though actuated by the purest intentions, they sometimes decide wrongly. Such decisions are nevertheless available for citation, like all other precedents. Now, when an erroneous decision in the past comes to be pressed upon a judge in the present, one of two things must happen—either the precedent must be followed, or it must be disregarded. The traditions of the profession point in one direction, while the instinct of justice exercises its influence in the opposite. The result is oftentimes a compromise. The decision is in effect disregarded, but its authority is saved by recourse being had to some shadowy and fictitious distinction. This practice was recently satirized by a living judge, who, on a case which we will call "Brown *v.* Robinson" being cited in argument, informed the bar that he should not feel himself bound by that case unless a suit were before him in which the facts were precisely similar; "indeed," added his lordship, "unless the plaintiff's name were Brown, and the defendant's Robinson."

In this way an erroneous judgment, though outwardly treated with respect, may get undermined with distinctions which render it practically inoperative, and at this crisis it commonly happens that some judge, bolder than the rest, deals a death-blow to the tottering structure by declaring that "that case has long since been overruled." A striking instance of an important modification of the law by a single decision occurred quite recently. Five years ago it was universally believed among lawyers that, if A lent B a sum of money to be employed by him in business, A's remuneration for the loan being a certain share of the profits, that agreement rendered A liable to the creditors of the business to the last farthing of his property; in other words, that in favour of creditors, participation in profits was a criterion of partnership. Such was the distinct tenor of a long series of cases, "because," as it was sagely said, "the profits are the source to which the creditors look for payment; and therefore, he who shares the profits must also share the losses." However, the House of Lords, by a recent judgment, has gone far towards demolishing the old doctrine and substituting the reasonable principle that partnership or no partnership is simply a matter of agreement between the parties, that creditors have no concern with the question except so far as they have been induced to believe that a partnership really subsisted, and that participation in the profits is only to be regarded as *primâ facie* evidence of a contract of partnership. Here we have an example of