We think we Torontonians are singularly poor in respect to historical monuments, and might with advantage have many more than we at present possess.

Thirdly, and from the lowest point of view, as an embellishment of Osgoode Hall itself there are many positions in which a good statue would be very acceptable and pleasing to the eye.

We feel convinced that if the Law Society accede to the prayer of the petition in a liberal manner, it will meet the approval of the vast majority of the members of the profession. There are, however, always some individual malcontents to find fault with anything that is suggested, but we trust that no fear of a possible grumble here or there will prevent the carrying out of a scheme which would certainly give gratification and pleasure to the vast majority.

THE LIMITATION OF CERTAIN ACTIONS.

ONE of the chief requisites in jurisprudence is that there should be *certainty* in the decisions of its courts and judges. And it has been said that even if a decision is wrong in principle, but at the same time well known and recognized, it is better that it should be so rather than that there should be any uncertainty on the point decided.

We are not now about to make the Rule in Shelley's Case a text, upon which to preach a legal sermon. That case, so well fixed in the mind of every student of a couple of years' standing (owing, no doubt, to the difficulty that existed in getting it well established there in the first instance), is too old and respectable to be shaken by the assaults made upon it by divers judges in these modern days. The subject of our remarks is one of a more useful and practical character—and it is this—What is the effect of our statute (R. S. O. chap. 108) in its limitation of actions on mortgages, judgments, etc.?

It will be at once answered, that the point has been already decided in two late cases in our own courts—*McDonald* v. *McDonald*, 11 O. R. 187, and *McDonald* v. *Elliott*, 12 O. R. 98; in the former of which Mr. Justice Proudfoot, and in the latter, Mr. Justice Rose, hold that a mortgagee is entitled to recover on his mortgage, though his action is brought after the expiry of the ten years limited in the above Act.

Both of these judges refuse to be bound by the late decisions in England—the very opposite of those just quoted—preferring to follow the older cases in our own Court of Appeal, viz.: *Allan* v. *McTavish*, 2 App. R. 278, and *Boice* v. *O'Loane*, 3 App. R. 167.

The English cases laying down the opposite view are *Sutton* v. *Sutton*, L. R. 22 Ch. D. 511, decided in the Court of Appeal, and *Fearnside* v. *Flint*, *id.* 579.

In his judgment, Mr. Justice Proudfoot gives as his reason for not following *Sutton* v. *Sutton*, in preference to *Allan* v. *McTavish*, that the English Court of Appeal (by which the former was decided) is not the Court of ultimate appeal for the Province (of Ontario); while *Allan* v. *McTavish* is (to use his own words) "the decision of the highest Appellate Court in the Province, to which an appeal lies from me."

Mr. Justice Rose, in *his* judgment, says he thinks he ought to follow the course followed by Mr. Justice Proudfoot; and later on he says: "I am further of opinion that in this case it may be well to allow our own Court of Appeal to say whether they will be satisfied to reverse the holding in *Allan* v. *McTavish*, and thus change the law of this Province, because of a subsequent judgment of the Court of Appeal in England. I do not feel warranted in endeavouring to antici-