which is involved in the very conception of the term "law," is by a strict adherence to judicial precedent. "It is the function of a judge," says Coke, "not to make, but to declare the law according to the golden metewand of the law, and not by the crooked cord of discretion." When a case is decided, a rule is thereby laid down by which subsequent transactions are regulated, and by means of which counsel are enabled to advise upon the rights of their clients in a similar conjunction of circumstances. Lord Macclesfield was wont to say that disregarding settled authority was a removing of landmarks, and that it was often of little consequence how a point was determined at first, so it be but adhered to. And Lord Kenyon often repeated the maxim "*Misera est servitas, ubi jus est vagum aut incertum.*"

Nevertheless, while these things are well recognized, there are many causes conspiring to give uncertainty to the administration of the law at present in Ontario. This arises in part from the fluctuations of opinion among the English judges and in the English courts, which of course have a reflex influence on us. Such diversity of work has been cast on the judges, and so many new courts have been constituted, that a general unsettlement of decisions seems to have resulted. Even in minor matters this is apparent. For instance, we find a standing feud between the Master of the Rolls and the Vice-Chancellor Malins as to the power of the court to grant an administration of the estate of a person deceased in the absence of a duly appointed personal representative. In *Rowsell* v. *Morris*, L. R. 17 Eq. 20, Sir George Jessel held in the negative, and in a series of cases prior and subsequent to *Rowsell* v. *Morris*, the Vice-Chancellor stoutly holds to the affirmative view. Again in *Claydon* v. *Green*, L. R. 3 C. P. 511, it was laid down that the marginal note to a section of a statute in the copy printed by the Queen's Printer, forms no part of the statute itself, and is not binding as an explanation or construction of the section. But in *Re Venour*, 24 W. R. 752, the Master of the Rolls held that such a marginal note is an integral part of the statute, and his construction of the Act was thereby influenced.

Again: the excessive citation of American decisions, which are not authorities, has swayed the conclusions of the Court in some cases in a manner not in harmony with the weight of English decisions, which are authorities. We remember the time when the Court of Queen's Bench under the presidency of Chief Justice Draper, actually declined to make a note of any American cases cited. This was going too far in one direction. But, as a rule, we think it would be well if the pertinency of these cases were limited to points where there is an entire absence of English or Canadian authority, and to matters arising under statutes which have been adopted by the Legislature from United States sources: such, for instance, as the laws relating to Mechanic's Lien, to Patents for Inventions, and to Mutual Insurance Companies.

Again: the multiplication, repeal and amendment of statute law has given rise to much uncertainty. The convenient plan of passing an Act one session, and then passing another on the same subject, but with sundry modifications, the next session, with a clause tagged on at the end repealing all previous enactments which are inconsistent therewith, is a fruitful source of doubt, confusion and entanglement. What again has been more prolific of unprofitable litigation than the Acts relating to the Property of Married Women? Instead of a comprehensive, well defined and clearly-expressed law on this most important subject, we find a conglomeration of sections which have put all the Courts at arm's length in the several interpretations given thereto. We can hope for no