

rules of practice should be founded, the least variation from established precedents will totally distract and bewilder him. *Ita lex scripta est* is the utmost his knowledge will arrive at; he must never aspire to form, and seldom expect to comprehend, any arguments drawn, *a priori*, from the spirit of the laws, and the natural foundations of justice."

"The great difficulty as to cases consists in making an accurate application of the general principle contained in them to new cases presenting a change of circumstances. If the analogy be imperfect, the application may be erroneous. The expressions of every judge must also be taken with reference to the case on which he decided; and we must look to the principle of the decision, and not to the manner in which the case is argued upon the bench, otherwise the law will be thrown into extreme confusion. The exercise of sound judgment is as necessary in the use as diligence and learning are requisite in the pursuit of adjudged cases." (Kent's Commentaries.)

The only method of arriving at this happy consummation so devoutly to be wished in Ontario, namely, that all barristers and judges shall be able to form and comprehend arguments drawn from the spirit of the laws and the natural foundations of justice, and for judges to give decisions in cases in conformity with such arguments, is, I think, to insist upon a full course and examination in the principles of law when studying for the profession.

Ontario is, in this respect, far behind England; the utility of a knowledge of Roman law, as law, is undeniable, forming, as it does, the basis of the laws of all Latin nations. Even the Common Law of England is greatly indebted for its vigour and philosophic accuracy to Justinian's Code.

In England, the examination which must be passed before a law student can be "called" is divided into two parts—the first being the Roman law, and the second in English law. He may take both at the same time, or he may take the Roman law first, but he cannot take the English law before the Roman. He may take the French law any time after he has kept four terms, but cannot take the English until he has kept at least nine terms. This is the only remedy for the present condition of affairs in the legal profession in Ontario. With the example of such a judgment as the one given by Judge Lyon before them, the Law Society of Upper Canada should take immediate steps to place Roman law in the law student's curriculum.

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