

would appear that he was gifted with the judicial instinct. And as illustrative of the value of such a statement it may be added that a distinguished Lord Chancellor of England quoted this line from the Latin poet. The opportunity for the exercise of what astronomers call the "personal equation" is boundless, and as a consequence the judges may be unconsciously lead to blur the distinction between their duty "jus dicere" (to interpret the law), and the admittedly human tendency "jus dare" (to make the law).

Shakespeare has put into the mouth of the Earl of Suffolk at that historic meeting in the Temple Garden, this honest confession,—

"Faith, I have been a truant in the law,  
And never yet could frame my will to it,  
And therefore frame the law unto my will."

There is a danger of that very tendency overcoming our judgment even in this present year of grace.

The Sunday law as to restaurants has come before the Courts lately in the case of *Rex v. Devins*, when His Honour, Judge Morson, junior judge of the County Court of the County of York, Ontario, decided that a licensed restaurant-keeper could lawfully sell candies and oranges to a customer who carried them away from the premises.

It may here be observed as important that though the selling of an orange or a few candies is in itself a trivial matter, yet it touches a material principle, which should be settled by the highest possible judicial authority. Very often large results are pivoted upon small hinges. It was so in England, when John Hampden declined on principle to pay a few shillings of ship money, which offence was tried by a bench of twelve English judges of the highest authority, and the ultimate results were that England was drenched with blood, a King was brought to the scaffold, and great constitutional rights, involving the liberties of Englishmen, were established. We must not, therefore, turn with impatience from a case where important legal prin-