

been determined to be law it would not do to permit a mere individual to say that it shall no longer be the law. In every society except the most backward there is a law-making person or body, and that person or body has the duty of making the law fit the needs of the society. The legislator abolishes so much of the common law—that is, the body of customs—as is necessary, and thus modifies the common law.

England, and those countries which derive their legal system from England (among them ourselves), have carried out this idea consistently. The customs which have been laid down as law remain law unless and until modifying legislation is passed; and the law is modified only so much and so far as the legislation says, either in express terms or by necessary implication.

In the course of time a very great quantity of legislation has been passed, so that in many instances an express statutory rule has been laid down. Doubts as to the exact meaning of such legislation there may be, just as there were doubts as to the exact custom; but in all but a comparatively small number of cases the law is clear. Sometimes difficulty arises in the interpretation of language employed,⁴ and the judge must do the best he can to determine its exact meaning. Sometimes it is not quite certain what the common law, *i.e.*, the custom, was, and the judge must do his best to find out. But once the meaning of legislation is determined, the custom clearly made out, the duty of the judge is plain. He cannot change one jot or tittle of the law so determined. He may like it or dislike it; it may seem to him wise or unwise, just or unjust, reasonable or ridiculous; his duty is to apply it, and that only.

Law is man-made, not in the sense of being made by the judge deciding a case, but in the sense of having been made for him by man. The lawyer, then, is in interpreting the work of man, the mind of a community, recent or long past.

Let us take now the two professions and compare them. A medical man is attending a patient. He examines him to discover accurately his exact state, to apply the proper remedy, *i.e.*, to remove some obstacle to the proper and normal operation of organs or to strengthen some operating cause. He has been taught certain supposed "laws of nature", perhaps verified by high authority. These he believes *sub modo*, for he knows there may have been a mistake, and it is not only right, but his duty, to suspect their complete accuracy. He must observe and again observe and ever observe; and if he finds that the "law" has been in fact wrongly formulated the circumstance that it has received the assent of the most eminent authorities, nay, of all, is of no avail. No authority can make, unmake, or modify a law of nature. Sulphuric acid has the same effect on calcium carbonate in Fiji as in Potsdam, and it is just