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THE doctrine of *Stare Decisis* has always occasioned more or less trouble for the courts. A case comes up for adjudication; the decided weight of authority, evidenced by a long line of precedents, holds the law to be so and so, but the application of that rule in the particular case would work hardship. Shall precedents be thrown aside and simple justice be done, or is it better that the law should be settled than that it should be right? It is a time-honored topic for discussion, but one of perennial interest and importance. "A precedent embalms a principle," but, perchance, that principle is absurd and unjust, or in the "codeless myriad of precedents" there are found conflicting principles, both, however, "embalmed in the liquid amber" of many learned decisions. The argument in favor of the doctrine is that when once a precedent has been established and a rule of law apparently settled, engagements are entered into with a view to the probable decision of the court, should the matter ever come into litigation. If this is meant to be an argument in favor of upholding bad precedents, as well as good, it seems to be lame in this: That the great majority of people when transacting business have no thought of courts of law or rules laid down therein, but are guided by general ideas of what is right and just. The average man does not act in conscious compliance with the rules of law, but with that consciousness of right and wrong which he himself feels. Possibly a distinction might be made in cases where a precedent, for a long time acquiesced in, has become a rule of property, and titles to real estate have been acquired in reliance upon it. The overthrow of such a precedent would be the worst form of retroactive legislation, and there could be no security of property if rules regulating titles were subject to continual change. "To build up

a harmonious and consistent line of authority and thus avoid confusion," a recent decision states, "should be the aim of every court of last resort." The attainment of this aim, however, by "distinguishing" cases from a previous one, and stating that, while "not designing to repudiate it as authority," it is a "decision which should not be extended," may occasionally amount to an attempt by the court to elude by impalpable distinctions what it does not venture to overturn.

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WITH every improvement in the facilities for trade, travel, and the communication of intelligence among the States of the Union, the demand for uniformity in State laws becomes more urgent. When the States were so far removed from each other in point of time and distance as to be practically as well as theoretically foreign, it was of minor importance that their laws should differ widely. But now that time has been so nearly annihilated, and the States are drawn so closely together that the simplest contract may be partly performed in several States, it is of the first importance that there should be a greater uniformity in the laws governing the different parts of such transactions. There are other reasons, economical, social, political, that make this "a consummation devoutly to be wished." Much is being said on the subject by lawyers, jurists, and legislators, and it is pleasing to note that something is being accomplished. Bar associations are at once suggested as presenting a most promising field for united effort, and much is to be expected from them. The consideration and weight that the judiciary of each State gives to the decisions of other States are potent forces. The National Reporter system is aiding by bringing together the decisions of the highest courts in all the States into a convenient form for reference and comparison, and the law journals are adding their mite by commenting upon these decisions and pointing out their peculiarities. The most difficult part of the task is to bring legislatures to see things in the same light and to enact similar statutes, but this is not an altogether hopeless task if legislators can be brought to investigate and compare the laws of other States. The recent Convention of Southern Governors suggests a thought that might prove helpful. At such meetings existing and contemplated laws might be discussed and opinions exchanged so that the next messages of the various governors, to their respective legislatures, would prove that there may be more in such a conference than a conspicuous occasion for the Governor of North Carolina to repeat his famous remark to the Governor of South Carolina.