never occur without at least awakening a spirit of inquiry regarding the causes which have produced them, the period must be inevitably at hand when the legislative decisions of the Court of Session shall be examined, and that with no ordinary degree of attention, in the light of Calderwood and Buchanan.

We have specified on several occasions decisions which, in their character as precedents, have actually become law,—that traverse, and practically abrogate, the statutory law of the kingdom. We adduced one very striking instance, when setting against each other the existing mode of provision for the building and repairing of parish churches as settled by decision, and the diametrically opposite mode as arranged and provided by enactment. According to statute, "the parishioners of parish kirks" are charged and empowered to "elect and chuse certain of the most honest qualified men within their parochins," to tax the parish for the expenses of the necessary erection or repair; and in the event of the parishioners "failing or delaying to elect or chuse, through sloth or unwillingness, the power of making such choice or election of such honest, qualified men, falls to the ecclesiastical authorities." Such is the enacted statutory law on this head,—the people's law. But what is the actual law of precedent in the case,—the law of "the fyfteen?" That any such election "of honest men" would be altogether illegal; that so far are the parishioners or ecclesiastical authorities from possessing any such right of election, that, even were they to make a voluntary contribution among themselves for the repair or improvement of the parish church, they could be legally prevented from lifting a tool upon the building; that, in short, the whole matter of erecting, repairing, improving, is not in the hands of the parishioners or the ecclesiastical authorities, where statute has placed it, but exclusively in hands in which statute never placed it,—in the