In England this fascinating plaintiff would have been nonsuited on the quite unheroic ground that her claim disclosed a wilful and independent trespass wholly outside the employment.

(2) Again the principle is well settled "in the highest Courts of New York (*Lawrence* v. *Fox*, 20 N. Y. 268) and in many other States" that a telegraph company is responsible not only to the sender of a message but also the addressee: that persons not parties to a contract may nevertheless sue for damages for its breach.

In England the contradictory principle is well settled; a person cannot sue on a contract made by others for his benefit even if the contracting parties have agreed that he may.

(3) In most of the United States the sale of intoxicating liquor at certain times or in certain circumstances is prohibited and made a crime. In *King* v. *Haley* (86 Ill. 106) a rum-seller was held liable to a man who was shot by a drunken man to whom the rum-seller had illegally sold whisky.

In England the law is reasonably plain that where a general obligation is created by statute and a specific remedy is provided, the statutory remedy is the only one.

Here then in three typical cases selected almost at random the principles of the American law and of the English law are in direct antagonism. And it was my conviction of the utter uselessness, for my purposes at any rate, of drawing out this opposition in detail, necessarily at considerable length, that induced me to abandon any attempt systematically to range and compare the two systems. Some three or four hundred American cases have in consequence dropped out of this edition. Yet the Americans have a genius for law; and the learning and brilliancy of the judgments found in Johnson's or Metcalfe's or indeed in any of the best American reports on the historical development of the common law is such that no English writer can afford to neglect them. They are the supplement, sometimes the substitute, for our own, and must always have a place in English treatises ambitious of excellence.

Where I have left the American decisions I have replaced them by the Colonial. The community of our laws may prove a stronger bond to unite us as one Empire with the Colonies than other influences more harped on. So long as there is an ultimate appeal to the Judicial Committee of the Privy Council and a suitably strong body of judges to determine the question of principle, the law as laid down by the House of Lords and by the Privy Council should be identical; and where not so is unsound; and thus the efforts of the Colonial judges will be directed to make for this community. Students of Colonial law must know that at this moment there are in our Colonies judges, such for example as Williams, J., of New Zealand, whose legal reputation constrains reference to their reported judgments which well repay perusal by their clear insight into the principles of the common law and their vivid presentment of them. Contrast the judgment of the last-named judge in *Brown* v. *Bennett*, 9 N. Z. L. R. 342, with that of the Privy Council in *Colonial Bank of Australasia* v. *Marshall*, [1906] A. C. 559, and the benefit to clear thinking and accurate knowledge from the perusal of the Colonial decision is apparent; and there are besides, other Colonial judges of an experience and learning which will not permit of their judgments being neglected without as appreciable loss as appears here. I have therefore systematically gone through