

the present case was where their Lordships differed. Mr. Justice Ridley's observation, however, that "if it had been intended to give to the accused person the right to claim to be tried before a jury the Act might easily have said so in definite language," unfortunately carries no weight. Reference to the authorities collated, and analysed with masterly skill, in Stroud's Judicial Dictionary under the title "May" shews how frequently such a simple course has been ignored.—*Law Times*.

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THE TRUE THEORY OF THE COMMON LAW.—"In all sciences, says Lord Bacon, they are the soundest that keep close to particulars. Indeed, a science appears to be best formed into a system by a number of instances drawn from observation and experience, and reduced gradually into general rules; still subject, however, to the successive improvements, which future observation or experience may suggest to be proper. The natural progress of the human mind, in the acquisition of knowledge, is from particular facts to general principles. This progress is familiar to all in the business of life; it is the only one, by which real discoveries have been made in philosophy; and it is the one, which has directed and superintended the instauration of the common law. In this view, common law, like natural philosophy, when properly studied, is a science founded on experiment. The latter is improved and established by carefully and wisely attending to the phenomena of the material world; the former by attending, in the same manner, to those of man and society. Hence, in both, the most regular and undeviating principles will be found, on accurate investigation, to guide and control the more diversified and disjointed appearances."

Lord Coke says, "Reason is the life of the law, nay, the common law itself is nothing else but reason; which is to be understood of an artificial perfection of reason, gotten by long study, observation, and experience, and not of every man's natural reason; for, *Nemo nascitur artifex*. This legall reason is *summa ratio*. And therefore if all the reason that is dispersed into so many severall heads, were united unto one, yet could he not make such a law as the law of England is."