

reprehensible as now. Embezzlements are still cherished by the common law as no crimes. You have, therefore, only to search back through the various strata of the English common law to that one to which your case properly belongs; and you will generally have little difficulty in finding precedents somewhere in the line that fit and justify it entirely. For example, the case, bad at this time, was probably a good case in the time of Coke; and, therefore, Coke is your authority. If your case be very bad you may have to go as far back as Bracton, or even to the Year Books. But the further back you go the more learned it sounds.

And it is to be said in favor of this common law mode of presenting a bad case, that nothing is more pleasing to the judge than to hear arguments, and to rest his opinions upon old common law points. An opinion of a modern judge, so full of the old common law authorities that you can almost blow the dust off it, is looked upon by its author with peculiar pride; for he knows that it is sure to be complimented as "able and exhaustive" by succeeding lawyers who may have occasion to cite it as an authority in their favor.

Let us assume, however, that you have searched, the heights of the constitution and the depths of the statutes and the varying strata of the common law, and found no comfort there. Under such circumstances, it may pay you, like many yersons who have committed dubious acts in England, to take a little trip abroad. In other words, you should stray over into the domain of the "civil law." You may, thereupon, descant learnedly upon the "Code of Justinian" or the "Code Napoleon," and exhibit traces of a mind too broad for this hemisphere. You will find that a little dab of civil law, especially in Latin, will sometimes cause the judge to come down without further debate.

A large amount of this peculiar Latin may be found ready in Judge Story's book on Bailments.

If, however, all of these successive resources that I have named, prove fruitless, you will be driven to another resort,