is now focussed into eight. These are but illustrations of a general tendency throughout.

Many long and perhaps doubtfully relevant notes have disappeared. That some still standing might have followed may possibly be a pious opinion of the severely concise. But I am inclined to think that in this the partialities of the author should have indulgence shown to them. I confess to a weakness for attempting to trace the history of a principle or to suggest by what stages a doctrine has been deflected from its first significance. And, setting selfish predilections aside, I can conceive that there are lawyers to whom such notes, say as those at pp. 26, 114, 173, 353, or 576 in the first volume, or those in the second volume dealing with the early English or the Civil Law, *e.g.*, at pp. 752, 761, 763, 768, and 850, might be of interest or suggest research; and I do not recognise the validity of the representation made to me more than once that I should omit everything not fitted for the purposes of practitioners in a hurry. Law as a study I think admits of higher aims than that which inspires the genius of the mass of annotators of statutes.

I have also made some alteration in my point of view, though incompletely; for a third edition has not the flexibility of adaptation that manuscript notes may have. In the first instance I made an attempt to present the law of the United States side by side with our own. I am now convinced that such an attempt is impossible of success and also inexpedient. I have in my possession a vast American treatise on Negligence. It is in six volumes, has 7741 pages, and deals with 36,000 cases or thereabouts. Yet even in these generous limits very many American decisions on Negligence of the greatest weight are not included. What hope then of dealing with a body of law so enormous in addition to our prolific own? Moreover the study of this Encyclopædia of Negligence has made plain to me what I before suspected—that, though of the same parentage as ours, American law has in late years been developing along divergent lines, and accepts principles widely applicable that are to us not only novel but fundamentally unsound.

Two or three illustrations drawn from different branches of law may not be out of place to show what I mean:

(1) *Croaker (or Craker)* v. *Chicago & N. W. Rd. Co.*, 17 Am. R. 504, tells of the fortunes of a female passenger on the defendant railway who was kissed, she unwilling, by the guard in charge of the train. The delinquent was criminally convicted, sentenced to pay a fine, and sent to prison till he paid it. But the wrong done her still rankled, so that she brought an action against the railway company in respect of it, and was awarded, by an apparently highly incensed jury, heavy damages. These were secured to her by the decision of the full Court. The principle the Court enunciated is set forth thus: "As we understand it . . . if one hire out his dog to guard sheep against wolves, and the dog sleeps while a wolf makes away with a sheep, the owner is liable (?); but if the dog play wolf and devour the sheep himself the owner is not liable. The bare statement of the proposition seems a *reductio ad absurdum*." In plain prose this imports that the master warrants the moral impeccability of the servant. And this "reasoning" has been received with applause and adopted as a forcible illustration of legal principle by the Supreme Courts of States from the Atlantic to the Pacific seaboard.