

reached, and the soundness of such reasoning. In one celebrated case, for instance, where, by force of an American decision, learned counsel endeavoured to get an important limitation grafted on to an old principle, James, L.J., confessed himself startled by the mode in which the American judges dealt with the case before them, both with reference to the authorities and with reference to legal principle: *Reg. v. Castro, ubi sup.*, at p. 502. Should the reader come to the conclusion that the case he is reading does not proceed on English law, or that the reasoning is not impervious to criticism, then the only thing for him to do is to put it on one side. We all must recognize that, among the voluminous mass of English reports, there is much, both in the law and the reporting, which is commonplace and mediocre, and even some judgments which would be regarded in an Appeal Court as of little or no consequence; and it would be too much to expect always to find perfection in a decision of the overseas judges.

Some persons, and not all of them incumbered with an inert habit of mind, therefore advance the objection that, as American decisions cannot all be of equal value, a seeker after truth in England is under an obvious disadvantage, not being acquainted with the position of the judges or the standing of the Courts in appraising their value. For ourselves, we should appreciate this objection better if the American decision bound our judges, and best if it were to be used indiscriminately by the competent and incompetent reader. The works of Sir Walter Scott are not of equal merit, nor would every piece in a collection of china reach the highest standard; yet is there any doubt that a man of letters in the one case, and an experienced collector in the other, would have little difficulty in discerning the true quality and in making an enlightening classification? It was said—we need not stay here to inquire with what justification—of an old and disused collection of conveyancing precedents that they were of very various merit, but as a body too heterogeneous and dissimilar in their frame and composition to be habitually used by a scientific draftsman. Although then, it would not have been expedient for a copyist to use this work, was there any reason to hinder a