self that the case really is in point and does not proceed on any peculiar statute of the State.

I should add to these three rules a fourth, arising from the numerous points on which, in American books as in English, there is a conflict of authorities. Wherever there are several Courts of independent Jurisdiction there will be conflicting decisions; and from there being a larger number of such courts in the United States than in England, the Reports of the former contain a larger number of cases than the Reports of the latter, in which various Courts have come to opposite conclusions. This will render it peculiarly necessary for you when you resort to American cases and find one in point, to see whether the case you have found is the only one in point, and whether there are any others which conflict with it. You cannot safely avoid a like course when your examination is confined to English authorities; but in that case neither the temptation to avoid the trouble of the search, nor the danger of being misled yourself, or of imposing unnecessary labour on the Court by your neglect, are nearly so great. If your investigation of the American authorities is to guide your own opinion, you may as well not refer to them at all, as to neglect weighing, as far as you can, all they contain upon the question you are considering. If your investigation is in preparation for an argument before the Courts, you should either forego all reference to either class of the cases which conflict, or cite those against you as well as those in your favour. The diversity of decisions which is thus to be found in these Reports is much less embarrassing to us than it must be to the American Courts. In some respects indeed it is an advantage to us. It puts us in possession of what have appeared to able and learned Judges to be the strongest reasons in favour of every view of a doubtful question, instead of our having no more than the particular view formed by the first Court which may happen to have been called upon to decide the point. Our Judges, to whom as authority an American Report is nothing, have thus in such cases great advantages in coming to a sound conclusion.

The rules I have thus suggested for your guidance before the Judges are but corollaries of another and more general rule, which you should ever keep in mind, namely, that the true object of the arguments of Counsel is to assist the Judge in coming to a sound conclusion. When you cite cases which do not apply, or which for any reason are of no weight, you but embarrass a Judge instead of assisting him, and increase his labour instead of diminishing it. It is necessary for you therefore to bear in mind that English Reports, and I presume Irish Reports likewise, are of authority in our Courts; while American Reports may be useful, but they are not of *authority;* and in general they are only useful where authority is wanting, and where they either bear intrinsic evidence of merit, or record the decisions of Judges of known learning or ability—conditions one or other of which is to be found attaching to some of the Reports of almost every State of the Union.

You will thus perceive that though the Law Society has lately rendered a selection of American Reports accessible for the first time to those engaged in the study or practice of the law in Upper Canada, yet this has not arisen from any idea that such books may be used or cited as freely as any others. Indeed you could hardly commit a greater error than to assume that all the books which you find in the Library, in this or any other department of professional learning, may with equal propriety be cited when they happen to contain something which appears to be in point. In a Reference Library, like that belonging to the Law Society, (the only public Law Library in Upper Canada—a Library to the preservation and extension of which the whole profession contributes) the collection of works on law should manifestly be as nearly complete as possible; and it would certainly want a very material element of completeness if it did not, at the earliest practicable period, contain the Reports of all the United States of America, even though amongst these there may be not a few which can seldom, if ever, be cited to our Courts with advantage. The Law Library of the Society, to be worthy of the profession and the Province, must obviously contain many books that may be read or referred to, though not cited; as well as many others that may be both read and cited. It should contain some that are curious, as well as those that are useful. It should give the means, so far as books can give the means, of knowing the laws, as well as minutely studying the legal history, of at all events every country and state where the English language is spoken. The proceedings of a State in its infancy are in many respects as interesting, and in some respects as important, as those of a State in its maturity. Now, some of the American Reports are of so superior an order that their value has in in Great Britain been the subject of the highest possible eulogy, and cannot by lawyers anywhere be overlooked upon the most cursory, or disputed after the most prejudiced, examination of them. But the judicial status of the Courts to which these belong, had a beginning as well as a maturity. In some of them as I know, and in all of them as I may safely assume, the proceedings of the early Judges were as defective and unsatisfactory as, in learning and ability, the proceedings of their successors became all that could be desired; and the records of both periods are manifestly interesting, though for different purposes. Thus while the reports of the newest and wildest of the Western States will every year be improving, they must even now possess not a little interest for liberal minded lawyers and intelligent legislators, if not for educated and enlightened men of other classes, as showing, if nothing more, the new modes of practice, and the subjects of litigation prevailing in those States, as well as to no inconsiderable extent the manners of the people. And a Northern lawyer remarks: "It is striking to observe that while in many of the "older, richer, and more commercial States of the Union, the "old technicalities of pleading are fast vanishing under the "influence of a looser, and, as is claimed, a more liberal and "practical course of legal procedure, the subtle learning of "the science of special pleading is tenaciously retained in "many of the new States, and employed in the settlement "of questions of trifling amount." The same writer, in reference to a volume of Wisconsin Reports which he is reviewing, adds: "There is nothing in the Reports of New York or Mas-"sachusetts which brings us back so closely to the learning "of the Year Books, and Saunders and Chitty." But apart