argue with each other, and this is natural to their kind—the inquirer must decide for himself which view seems the sound one. As for previous decisions of the Courts he will get little aid from them. In the first place they are so meagrely reported as to make it impossible to be sure of the precise state of the facts. In the second place they abstain carefully from laying down any general rule, and even if a principle can be abstracted from them, it is quite open to the same Court to repudiate it when the question comes up again, and no other Court is in the least bound by the decision. I am putting the case strongly to emphasise the distinction. In practice a reasonable Court, for the sake of its own dignity, will generally stick to its opinion upon a particular point. The deliberate judgments of a Court like the *Cour de Cassation* command the highest respect from other courts, and few judges would lightly disregard them. And there are many points upon which there is a train of decisions a *jurisprudence constante*, as the French writers call it, which it would be almost revolutionary for a Judge not to follow. Bnt all this comes to something very far short of our binding authority of precedents. The English doctrine has lately been spoken of by Sir F. Pollock and Mr. Maitland "as our modern, our very modern conception of rigorous case law" (Pollock & Maitland, "History of English Law," vol. 1 p. 187).

These learned writers say that previous cases were not binding on the judges in the time of Bracton, i. e. in the 13th century. At that time they were regarded merely as illustrations of the custom of the Court (ib. 18). As to what is modern and what is ancient a good deal depends upon the point of view. Speaking from the historical depth of the 13th century the doctrine may be called modern. But a rule which was clearly settled at the latest by the middle of the