

cases from the Supreme Court here cited and commented on. The book, therefore, is not what it professes to be.

When examining a book, there is no more perplexing discovery than the not unfrequent one that there is no connection between the preface and the book itself. It is natural to apply the maxim *Falsus in uno, falsus in omnibus*, and condemn it at a breath. If a writer does not know better than really to suppose he has all the cases, or all the important ones, when perhaps he has not a quarter of them, evidently not much to edification can come from him. If he does know better, then we have forced upon us a topic not pleasant to discuss. But it is never possible to discover whether or not an author is, to the fullest extent, responsible for his preface or title-page. These are the parts into which, more than into any other, publishers in general deem themselves entitled to thrust their improving or deforming fingers; and, though an author may not concede their right, he may be so cornered by them that, practically, he has no alternative but to yield. The sale of a single volume, it may be readily anticipated, will be greater if the purchasing lawyers can be made to believe it has all the cases on its topic, than if the topic were swelled to four volumes, containing truly all of them. So, of the volume just mentioned, the advertisements by the publishers, as far as I have noticed, open by declaring it to contain all the American decisions upon its topic, from the earliest period to the time of publication; though they have an ending in the terms of the preface. Here is a conflict. Did the pressure proceed from them to the author, or from the author to them?

Moreover, a style of preface is sometimes adopted leaving it not quite clear to every reader what is meant. An author, for example, uses, in the main, the English text-books, instead of the reports, in making so much of his book as does not depend on the American decisions; and copies the citations from those books into his notes. Then, in his preface, he tenders a sort of acknowledgement of indebtedness to English authors for help in general and particular. There happens to be an English book which, I will suppose, is named *The Chum Cud*; it is in several volumes; and, among its subjects, is that of our American

author. Other subjects in *The Chum Cud* have no relation to this one. It appropriates a separate volume to one such subject, and in some new editions of the work this volume is enriched by various cases not in the regular reports, or reported in them less perfectly. So, our American author makes a special bow to *The Chum Cud*, from which, he says, he has repeatedly drawn cases not in the reports, or given in them but imperfectly. Now, does he mean that he has mingled the topic of this special volume of *The Chum Cud* with his own? A slight examination will show that, most judiciously, he has not. Has he, in fact, drawn any cases, as he seems to say he has, from *The Chum Cud*? No, not from this special volume nor particularly from any volume of the edition mentioned. In one of the English text-books from which he compiled the English part of his own there is a reference to *The Chum Cud* for a single sentence in one case, which, however, is given at great length in the reports. So, our author has this reference for this one case; but for no other case does he cite *The Chum Cud*. And that is right; because it contains no cases of the sort under consideration, relating to his subject. What, then, is meant? Is the statement in the preface false? Of course it is not. Should your friend tell you that he had just been strengthened by eating an ice-cream out of the new moon, you would not understand him as literally affirming that the new moon is a dish, that ice-creams are in it, and that he had just been there and eaten one. Why? Because the thing is palpably impossible. You would rather understand him as indulging in some pleasant figure of speech. In the instance before us it is not important to inquire what is the rhetorical name of the figure of speech in which the author of the preface indulged, or what is the literal meaning intended to be conveyed. But a practical difficulty distinguishes a case like this from the supposed one of the moon. Everybody sees the moon, and knows all about it. Few could be made to believe, even on the authority of an astronomer, that the new moon is a dish, filled with a ball of ice-cream. But *The Chum Cud* is not, in this country, a familiar object, like the moon; it is a book seen, with us, only in large libraries, and rarely or never used; and few American lawyers know what particular