

that English lawyers should sink unessential singularities, and our law, if possible, conform with that of other civilized nations. In consequence, in such cases, American decisions ought to be considered with a greater desire to endeavour to agree with them: *Cory v. Burr*, 9 Q.B.D. 462, 469. But to advance and cite an American case in the sense of a co-ordinate authority, binding an English court, is absurd and a sad waste of time, and when it is done a protest is deserved, and justifiable, or we are greatly mistaken: *Re The Missouri Steamship Co.*, 42 C.D. 321, 330, and cases already cited.

Then, it may be asked, how should American cases be read for the purpose either of their culture value or of the presentation of a case in court? We may reasonably assume that the better trained will have already made himself perfectly acquainted with the new combination of circumstances brought to his attention, and will have attentively applied to those circumstances the rules of law derivable from legal principles; and that he will thereupon have formed his preliminary opinion, and have fortified, or revised, that opinion by a careful consultation of any English authorities or *dicta*. It is of supreme importance to keep the principle of decision steadily in view, and to remember, as Lord Mansfield says, that precedents only serve to illustrate and explain general principles, and to give them a fixed certainty. Until this spade work has been done, it is difficult quite to see how a reader is to derive the full benefit of the American examples. If, however, it have been thoroughly done, he may advantageously, in the first place—if he wish to economize his time—ascertain if the American Court was acting on decisions or statutes subsequent to the Declaration of Independence. Having satisfied himself that the Court was dealing with matters and with principles of law common to the jurisdiction of their and our Courts, he may proceed, in the next place, to consider the decision both with reference to legal principles and also to the authorities cited. And then, in the third place, he will have to determine whether the decision reached is consistent with English law, and, possibly also, whether he is able to appreciate the principle pursuant to which, and understand the reasoning by which, it is