

by the carelessness of some bank clerk. The Court said: "We are of the opinion that the recovery of more than nominal damages can, on sound principle, be sustained, where the drawer of the cheque is a merchant or trader, on the ground that the wrongful act of the bank in refusing to honor the cheque imputes insolvency, dishonesty or bad faith to the drawer of the cheque, and has the effect of slandering the drawer in his business. To refuse to honor his cheque is a most effectual way of slandering him in his trade, and it is well settled that to impute insolvency to a merchant is actionable per se, and general damages may be recovered for such a slander." The following cases were cited: *Rolin v. Steward*, 14 C. B. 595; *Schaffner v. Ehrman* (Ill. Sup.), 28 N. E. Rep. 917; *Bank v. Goos* (Neb.), 58 N. W. Rep. 84; *Patterson v. Bank*, 130 Pa. St. 419; *Marzetti v. Williams*, 1 B. & A. 415; *Prehn v. Bank*, 39 L. J. Rep. Exch. 41; *Brook v. Bank*, 69 Hun. 202.

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Our English exchanges speak of the growing practice of citing American Reports in England, to which they take exception. Their remarks are based upon the appearance of the American Reports in the head note to *Kennedy v. De Trafford*, (1896) 1 Ch. 762, where "*Van Horne v. Fonda*, 5 Johns. Ch. N.Y. 388, not followed:" apparently because the Court did not know how far the law of the State of New York was similar to the law of England in reference to the matter in hand. The writer goes on to say: "and surely it is not their business to know. It is quite bad enough to cite foreign decisions arguendo by way of analogy, unless the foreign law is proved as a fact. The citation is even then fairly useless, but the citation of such foreign decisions as authorities in an English Court should be suppressed with severity as both dangerous and misleading." In the case of *In re Missouri Steamship Co.*, 42 Ch. Div. 321, Lord Halsbury, C., whilst remarking that the opinion of eminent American lawyers should be always treated with respect, nevertheless thought that "the practice which seems to be increasing of quoting American decisions in our own Courts is wrong." Fry, L.J.,