

incompetent writer may conceal his weakness with the hundred better than with the hundred thousand. There is no other difference.

I am now to give some practical hints as to the methods of testing a book which it is proposed to use as a tool.

There are few exceptions to the rule that a digest should contain all the cases. And a treatise should have all it professes to. We take into our hands the book, whether treatise or digest, and see what are its scope and claim. If these require all the cases, they also, by implication, require that each case be cited to every important point within the subject of the book. For example, should a work on dower pretend to have every case, and should *Doe v. Roe* be on the question of the marriage which will give dower, and likewise on the question of the effect of an ante-nuptial contract with a third person to sell the land to him, the holding-out of the author would not be fulfilled by his referring to *Doe v. Roe* only under the former head. We open the book to its Table of Cited Cases. Then we look through any volume of reports wherein we anticipate that there are cases which ought to be found within the book, turning the leaves carefully over, one by one. Coming to a case, we see whether it is in the Table of Cases. If it is not there, we note the fact and proceed. If it is there, we turn to the case at the place, or several places, to which we are referred, and observe what the author has done with it. If he has cited it at every important point, then, so far, his profession is realized; otherwise, it is not. To save time, we here anticipate a further enquiry by noting the manner of his use of the case. Do the text and it correspond? If he has undertaken to state its effect, is it correctly done? In this way we go on, comparing volume after volume of the reports with the book, until we become satisfied how far promise and fulfilment, as to the cases cited, correspond.

This method is easy and conclusive; but, in a given instance, we may be already in possession of knowledge which will enable us to shorten the process. Thus, I now take into my hands a digest on a special subject. The author, in his preface, says it incorporates all the American cases of any importance on the subject, omitting such as are obsolete or of merely local or temporary interest. I happen to know that not

long since, a lawyer made a collection, not of all the cases, but of the cases which he deemed to be of this class, for a single year, and counted them. And I know that the cases on a given subject will average about the same in successive years, except that the number gradually increases with the growth of the country. So, I count the author's cases in his Table of Cases; and the result is that they number considerably more than a six years' supply, but less than a seven years'! This is discouraging. Still, let us not do him injustice, but look further. Perhaps he deems that the larger part of what are commonly termed states are not such in law, their admission to the Union being illegal; for which reason he ignores them. But, no; an examination readily shows that he has referred to cases in all, or nearly all, the states. And among them are cases from the inferior courts, as well as from the superior. Yet we discover that with him, contrary to Campbell, "distance" does not "lend enchantment to the view." We count the cases from one of the states remote from his home, and find that they number less than one year's supply. Next, is not his *selection very select*—only the very most important cases being included, and an enormous amount of chaff winnowed away? To answer this we open the book to the first title which happens to occur to us, upon which we know something of the cases, and, according to our ideas, the more important are not there, while a part of the less important are. But, stay; this may be deemed by him a minor title; let us turn to one which all will agree to be leading. Under this title, according to what we know to be common opinion, the most important cases consist of a considerable line decided by the Supreme Court of the United States. We look carefully through this title; well, we do find in it a paragraph on a single point, among several, decided in one case by this court. So, the Supreme Court of the United States is not beneath the author's notice. The point does not seem to us to be the most important one in the case, but perhaps it is. We remember that there is lying by us a carefully-written argument by counsel in a cause involving a question within this title. In it the case in the digest is referred to, but to a point other than the one digested; and, besides, there are seven other