

The eligibility for our use of the judgments delivered by accomplished and experienced judges in the United States (which, for brevity, may be called American decisions) has naturally been much canvassed. To us it appears they are for men, but not for boys—for those who have been as ambitious to obtain the culture value as the utilitarian value of their various daily tasks, and have striven throughout life to obtain some learned leisure. We fully sympathise with Lord Esher when he remarked on the very great assistance which, over and over again, he had derived from the decisions of American judges dealing with that which is very much the same law as our own (*Reg. v. Castro*, 5 Q.B.D. 490, 516); and we venture to think that some advanced students are inclined somewhat to undervalue in appropriate cases such assistance.

Every educated lawyer differentiates a decision from an authority. It is, we continue to think, a neglect of any such differentiation, by some young and too zealous advocates, that led two or three English judges to protest against the citation of American cases, such advocates pressing them forward as of the quality and character of binding precedents rather than of illustrative, guiding or influential opinions. If an advocate finds among the American reports views and opinions upon the administration or development of the law which, in his opinion, are enlightened, and are sound according to the law of England, it is perfectly legitimate for him to address to a Court an argument founded on these views or opinions. And should the point in controversy not be covered by English authorities, it seems equally allowable for him, if he pleads, to ornament and influence his argument by a reference to the American decisions. Indeed, such a reference may be helpful to the Court, and will, at any rate, insure the decision being read with respect, and as a guide or an apt illustration of a legal principle: *Bradlaugh v. Reg.*, 3 Q.B.D. 607, 620; *Scaramanga v. Stamp*, 5 C.P.D. 295, 303; *The Bernina*, 12 P.D. 58. He will, moreover, be entitled to do so with greater confidence in cases relative to marine insurance and the like international subjects, because on such subjects we are allies, and clearly it is the more advisable