

"discovery" of a kind which might be very valuable to the prosecution at the second hearing.

THE QUOTATION OF AUTHORITIES.

In Mews Digest (Vol. V. p. 338) the curious will find under the heading "Decided Cases," a number of useful *dicta* in which the binding character of decisions in various Courts is discussed. There being no end to the making of Law Reports it is well for the practitioner to have some idea how far the decisions of a Court are binding (a) on that Court itself; (b) on other Courts. And first as to decisions of the House of Lords. "A decision of the House of Lords once pronounced in a particular case is conclusive in that case, and cannot be reversed except by Act of Parliament; but if the House should afterwards be of opinion that an erroneous principle had been adopted in the first case, the House would not be bound to adhere to such principle (*Wilson v. Wilson*, Sh. L. C. 40). "If two cases in the House of Lords cannot be reconciled" said Lord Selborne in *Campbell v. Campbell*, 5 A.C. 798, "I apprehend that the authority which is at once the more recent and the more consistent with general principles ought to prevail."

Decisions of the Judicial Committee of the Privy Council are not binding on the High Court, nor, apparently, is any decision of the Privy Council binding on that body for all time. Each case is considered by itself (*Clifton v. Ridsdale*, 2 P.D. 276).

The English lawyer unable to find a "case in point" sometimes turns to the Scotch and Irish reports. But they are not of great value because Lord Usher once said, "While the English Courts carefully consider decisions of the Scotch and Irish Courts they are not binding in any English Courts." An exception to this rule has recently been made by Lord Justice Swinfen Eady, who said that when the Full Court of Session (in Scotland) had interpreted a statute applicable to the United Kingdom in a particular way, the English Court of Appeal would follow it. Mews Digest is silent as to the authority of reports of cases from the Dominion or the Commonwealth of Australia. It may be taken, however, that they are treated with considerable respect in English Courts.