

thereby the American reader will be led to believe it to be some book other than it is. But their protest was unavailing; and the plan, carried even to this extent, appears now to be established as entirely just and proper.

Yet I cannot doubt that what seems at first to work so well will be found in the end not profitable. The real, inner merit of the new plan—that for which considerate men will praise it—is that it tends to harden soft brains in our profession, and to open blind eyes. But, when the brains are hardened and the eyes are opened, there will be no more use for the “tool.” It becomes like the stick which guided upward the expired rocket. And, when the fireworks are thus over for the season, the shop of the pyrotechnist will of necessity be closed.

The number of cases or the original date of a reprint, or the fidelity of its title-page to the original, or a question like that of drawing cases from *The Chum Cud*, is not the only thing to be considered in comparing together the preface and the book. For instance, I take into my hands a book, not the first edition. The author, in his preface to this edition, speaks of additions to it, and describes them as “large” and “new.” A collating of it with the prior edition shows that truly there are additions, and they are “large,” precisely as claimed. Are they “new?” A thought occurring to us, we collate the matter not in the old edition with two “new” books by other authors. Here we find nearly all of it so accurately transferred as to lead to the surmise that the type-setters had printed copy to guide them. A part of the additions are more or less distinctly—some quite distinctly, others not—credited to these authors; the rest is not credited. Both of the books bear the copyright impress; hence, of course, the copying from them was by permission. Hence, also, the additions, being taken from “new” books, are “new.” The result is that the preface, as in the other instances, is borne out by the ascertained facts; yet, as in the other instances, it practically misleads readers not educated to be sharp. The latter class would infer that the author, instead of transferring matter from the “new” works of other authors, had made “large” additions from his own more valuable stores.

These illustrations of the varying sorts of preface in books to be used as tools for harden-

ing brains and opening eyes are all for which I have room, but they do not exhaust the subject.

If the preface happens to be an old-fashioned one, it will help us in the examination of the book itself, to which we now proceed.

Though no question should arise as to any variance between preface and book, and though the book should be one in which we do not expect to find all the cases, still, for various other reasons, it may be important to see how fully they are collected, or with what discrimination the citations are made. This investigation can be conducted by the methods already described.

I now open a book, in the preface of which I do not discover any infusion of new blood demanding notice. Proceeding, therefore, directly to the book itself, our first enquiry is whether it is a digest under the name of treatise, or truly a treatise, as its title-page declares it to be. Not much examination is required to determine that it is true to its title—it is a treatise. This enquiry was important; because, though a digest may be either a good book or a worthless one, according to the manner and accuracy of its execution, and so may be a treatise, and each sort of book is desirable in its place, yet, as their objects differ, so also do the canons of criticism applicable to them.

But, before we proceed further, we must administer to ourselves a caution. The author of a treatise is a teacher; we who examine his work are his pupils. It is no stretch of modesty, therefore, to assume that, on his particular subject—how it may be on other subjects is of no consequence—he is, beyond comparison, our superior in knowledge. I am speaking of ourselves—of us who are considering whether or not to part with our hard-earned money for the book, to be used by us—not to be lent, but used personally—as a tool in our trade of practising lawyer. Of course, if we were merely writing a criticism for the guidance of others, we should know immeasurably more than the author on his subject, as well as on every other. But we, who are on more serious business, are to consider that the author carefully examined his subject, in all its parts, in connection with the authorities, before he began to write; that, besides mastering the authorities, he looked down through all the principles to the very bottom layer; and, in writing, he still further