"A Solicitor" believes that the services of Judges of the ultimate Courts of Appeal might have been made available for assistance in the intermediate Court of Appeal, in like manner as those of the Lord Chancellor are, and thus some of the Judges who are now required in that Court would have been free to act as Judges of First Instance. This would be somewhat like taking the Judges of the Supreme Court of Canada to sit in the Ontario Court of Appeal, a scheme which would be open to question. While it is certainly desirable that judicial functionaries should not be allowed to grow rusty, it is hardly expedient to shift them about from Court to Court in the endeavour to fill up every moment of leisure time.

THE TOOLS OF THE LEGAL TRADE, AND HOW TO CHOOSE THEM.

[Continued from p. 192.]

But, as the *law* that bodies on and above the earth tend toward its centre may be remembered, while all the numberless instances in which they have actually done so cannot be; so, in like manner, a man may learn and remember most of the *laws* which govern the overwhelming masses of decisions collected in our books of reports, provided they are duly and accurately pointed out to him. No man, with the reports alone, can collect all himself; because this would require, not only the reading of the reports, but the continual and extensive collating of case with case. For one to attempt this would be to consume a lifetime in the most laborious work before he was half ready to "put up his shingle" for practice.

The foregoing views, in which the thing to be done appears, disclose to us in some measure the sorts of tools needed. Of course, we need the reports; and, as helps to find the cases in the reports, the digests. Beyond that, we need to have the principles of the law in general, and those which govern each particular subject, collected for us.

Not to pause, therefore, on the obvious necessity of reports and digests, let us proceed to the more important matter. Under the names of treatises and commentaries on the law, we have great numbers of different sorts of books. The majority of them are, in fact, digests, and no more; and many of them are poor, at that. But there are among them works which are truly what they profess to be—varying, however, greatly in merit. A treatise or commentary, which is truly such, may be the most worthless book in a lawyer's library, or it may be the most valuable. It is absolutely essential, both to the study and the practice of the law, that there should be some good books of this sort, and very desirable that they should be multiplied to include all departments of legal knowledge. Their function is to *collect the doctrines;* in other words, to state—what the decided cases are mere evidences of—*the law.* They reduce the evidences to their results.

Let us see how this is. The law is the legal rule. The facts of cases are ever varying, but the rule remains the same. The author compares case with case, and, from a multitude of cases, derives a rule. Perhaps he is aided in this by some judge in some case having before him derived the rule, or perhaps he is not. If he is thus helped, he still has to see whether the judge was correct. If he is not thus helped, his labor is still greater. In either alternative the deduction which he sets down must be correct, or his book is no suitable tool for the practitioner to work with. Assuming the book to be thus correct, the practitioner, desiring to know what the result would be on a given state of facts, takes it in his hand, and finds in it the rule which covers the facts. These facts may never have transpired before; but he has become just as certain how this "new case" should be decided as how an old one was, if decided correctly. And in the same way he ascertains whether the adjudication in an old case was right or wrong. If, on the other hand, the book states the rule erroneously, it is a false guide; and the mariner might as well sail by a chronometer out of time as for him to employ the book in his practice.

It becomes, therefore, in every case in which a treatise or commentary is relied upon, a proper subject of enquiry whether the rule stated by the author is correct. The name of the author, however eminent, is not conclusive, nor is the fact that the ablest judge who ever adorned a bench has given voice to the same rule. Either circumstance, and especially the two combined, may furnish strong *prima-facie* evidence; but neither, nor both, can be accept-