

## THE REPORTERS AND TEXT WRITERS.

dale, Stow, and other writers. In times when the works of the learned existed only in manuscript, and guarded in libraries with jealous care, were not easily accessible to the student, the necessity of oral instruction by such exercises is obvious. The readings delivered in the hall with great solemnity by men experienced in the profession, were expositions of some important statute or section of a statute. Many of them have been published, and some of these contain most profound juridical arguments, such for instance as Lord Bacon's Reading on the Statute of Uses, and that of Mr. Serjeant Callis on the Statute of Sewers. These readings being attended with costly entertainments, their original object was forgotten in the splendor of the tables, and it became the duty of the reader rather to feast the nobility and gentry than to give instruction in the principles of the law. From this cause they were eventually suspended."—Spilsbury's Lincoln's Inn, p. 18.

**CARTHEW'S REPORTS.** In *The King v. Heaven*, 2 T. R. 776, Lord Kenyon, C. J., observed that Carthew "in general is a good reporter." And Chief Justice Willes, a first-class authority in matters of this kind, in distinguishing the reports of a case "more largely and particularly reported" in 5 Modern than in Carthew, said: "I own that Carthew is in general a very good and a very faithful reporter; but I fancy he was mistaken here, because I cannot think that the court would give so absurd a reason for their judgment, especially since there is not a word said of it in 5 Modern, where the case and the arguments upon it are very particularly reported."—*Tayner v. Merlott*, Willes, 181. The citation of cases from Carthew in such books as Mr. Serjeant Williams's Notes to Saunderson's Reports, and Mr. Serjeant Stephen's Treatise on Pleading, certainly argues well for the reputation of the reporter, who, according to a recent writer, "arrived at an eminence which, but for his early decease, would have secured for him a seat on the judicial bench."—Woolrych, Lives of the Serjeants, vol. ii. p. 460. At p. 462 he continues: "But during the trial of the Bishop of London against Fytche, in the House of Lords, Lord Thurlow observed, that Carthew and Comberbach were equally bad authority. However, with regard to this hostile opinion of Lord Thurlow, there is a curious tradition in the Carthew family, that the Serjeant's grandson headed an adverse party against the Chancellor at school upon

one occasion (for they were school fellows), and that Thurlow was a great bully, and remembered the circumstances afterwards with an ungenerous feeling."

**CASAREGIS (JOSEPHUS LAURENTIUS MARIA DE).** Discursus Legales de Commercio; et Elenchationes ac Resolutiones in aliquot, et ad integra Statuta de Decretis, ac de Successionibus ab Intestato Reipublicæ Genuensis. Editio secunda. 4 vols in 1, fol. Venetiis, 1740.

"The highest authority."—Shee, J., in *Kemp v. Halliday*, 6 Best & Smith, 736. Casaregis was for more than twenty years a judge in Florence. He taught as a professor of law, and his writings enjoy the highest reputation in Europe as standard authorities in mercantile affairs. Valin affirms that he is beyond all contradiction the best of all maritime authors.

**CLAYTON'S REPORTS.** This is a very thin 12mo., containing in the body of the book 158 pages, published in 1651. "If this book," writes Mr. Allibone, "will do all that Mr. Clayton promises for it, we should suppose that our friends the lawyers would insist on its immediate republication. In 'The Epistle to the Fair Pleader,' the reporter says: 'You may see here how to avoid a dangerous jury to your client, what evidence best to use for him, how to keep the judge so he overrule you not; so that, if it be not your own fault,—as too often it is for fear or favor,—the client may have his cause so handled as, if he be plaintiff, he may have his right, and if defendant, moderately punished, or recompensed for his vexation; and such pleaders the people need.'"

**COKE'S REPORTS.** See FLOWDEN'S COMMENTARIES.

**COKE'S THIRD INSTITUTE.** **HALE'S HISTORY OF THE PLEAS OF THE CROWN.** "In the course of the seventeenth century two remarkable works on the criminal law were written, which not only gave an authentic view of it as it stood in the earlier and later parts of the century, but are still regarded as books of the highest authority. Coke's Third Institute is like the rest of its author's works, altogether unsystematic. It is little more than a digest, showing incidentally the progress made by the law since it was first reduced to shape.

"Hale's History of the Pleas of the Crown differs widely from Coke's Third Institute in point of style and composition, and handles systematically several subjects which Coke touches upon in a fragmentary and occasional