

the problem which bothers him, "What shall be done with the Reports?" may be left to Nature's law—the survival of the fittest. The digesters and text-writers in the United States to-day know how much or how little of the 18th century reports retains its value for present use, and so it will be a century hence. The press, be it remarked, has only, within a century, commenced its marvellous career, and it is natural that law reporting should keep pace with the general activity. It cannot be expected that reports shall contain only such leading cases as are for "the public quiet," but all that judges choose to say or write will have its local uses, and will be printed, just as parliamentary debates are printed, but the reports of to-day will have to undergo a great weeding to make them serviceable as "tools of the trade" hereafter. Everything tends to encourage and to enforce amplitude at the outset on the part of those whose office it is to keep pace with the courts. Mr. High is disposed to sigh at the change. "In the early history of law reporting," he says, "a volume of reports was of far greater relative importance than now, and more care and labor were expended in its preparation. The labor of reporting partook more of the dignity of authorship, and the volumes, as they appeared, were read and studied much as are the elementary works of the standard writers of the present day. Story is said to have examined every new volume of reports as soon as it was issued, and to have familiarized himself with every important case which it contained. Fortunate, indeed, is the lawyer, burdened with the cares of an active practice, who can now do as much even with the reports of his own State. Now, a volume of reports is but one of a long series, hardly distinguishable from the others except by number. The reporter, burdened with a mass of rapidly accumulating opinions and ambitious to keep pace with the work of his court, crowded by his publisher upon the one hand and by the court upon the other, can hardly hope to do his work with that degree of accuracy and thoroughness which was possible under the earlier system." Mr. High suggests a national convention of lawyers to formulate a system of reporting "which shall combine the elements of curtailment, repression, and exclusion," but however desirable the end in view, the suggestion is

impracticable, as appears in fact, from his own account of what is taking place in England to-day. There the judges of the highest courts seldom write their opinions, and the result is that observations are necessarily reported in shorthand, and, of course, are printed almost as fully as delivered. Mr. High instances the case of *Dublin W. & W.R. Co v. Slattery* (3 App. Cas. 1155) in the House of Lords. The case was brought by a widow to recover of a Railway Company, damages caused by the death of her husband, who was killed by a train. The principal point of contention was whether, when the evidence was complicated upon a pure question of fact, it should be left entirely to the consideration of the jury. Eight law lords sat upon the hearing, and each expressed his own views with more or less fullness, the result being 57 printed pages of opinion. But if eight law lords, with all their learning and experience, think it necessary to unload themselves of such wealth of erudition, how shall an individual reporter undertake to say that this part or that part is worthless, vain repetition, and unworthy of being printed? If one report is condensed, a fuller report from another hand will speedily appear to supply the deficiencies, and in fact, we find in England to-day that in spite of the authorized version under the direction of the Council of Law Reporting, the profession support three or four other independent series, which, it must be supposed, are regarded as useful checks upon one another.

In the United States, with so many legislative bodies, the number of reports is now far in excess of what appears in England. But the difficulty is being met by the publication of series of selected and condensed cases of general value. The "American Reports" is a series commenced in 1871, containing a revised edition of valuable decisions, selected from the current reports: and the "American Decisions," a series by another publisher, is designed to include all the cases of general value and authority in the Courts of the several States, from the earliest issue of the reports down to the commencement of the "American Reports." The lawyers of each State will treasure the reports of their State, and these with the general compendiums mentioned will suffice for ordinary purposes, reference to the original volumes being still possible in the great libraries upon