

The Legal News.

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LAW REPORTS.

Mr. James L. High contributes a very interesting article on "What shall be done with the Reports?" to the current (June) number of the *American Law Review*. Mr. High, like most people, is impressed by the appalling accumulation of precedents, and the inability of the profession to keep pace with them. He sets out by quoting from Lord Coke's Preface to 9th Reports, "My chief care and labour hath been, for advancement of truth, that the matter might be justly and faithfully related; and for avoiding of obscurity and novelty, that it might be in a legal method and in the Lawyer's dialect plainly delivered, that herein no authority cited might be willingly omitted or coldly applied; no reason or argument made on either side willingly impaired; no man's reputation directly or indirectly impeached; no author or authority cited, unreverently disgraced; and that such only, as in mine opinion should hereafter be leading cases for the public quiet, might be imprinted and published." Law reporting has long since ceased to be restricted to "leading cases for the public quiet," and the result, as we shall presently see, is an accumulation which in view of the shortness of life and of man's active career, is apparently unassailable. The last century is accountable for by far the greater portion of the mass. Take the United States for example. A century ago there was not a single printed volume of judicial decisions. Kirby's Connecticut Reports and Hopkinson's "Judgments in the Admiralty of Pennsylvania," both published in 1789, compete for the honor of being the pioneer volume. And the celebrated Story, speaking of so late a period as 1801, says: "There were scarcely any American reports, for the whole number did not exceed five or six volumes, to enable the student to apply the learning of the common law of his own country, or to distinguish what was in force from what was not." Kent, author of the Commentaries, in 1826, estimated the bulk of English and Irish reports at 364 volumes. But in 1839, the United States reports alone filled

536 volumes. A few years later (1845) Wallace gives the entire number of reports at 1608, adding, however, "But *dum loquimur*, alas! the bookseller's boy opens the door, with an armful of new volumes, most of them from the Western States—the west of the Western—where the sturdy stroke of the woodman must yet be resounding in the tribunals of justice." But what is this compared with the statement which Mr. High lays before us, brought down to April 1st, 1882, embracing all known volumes of law reports in the English language:

United States, State and Territorial Courts..	2,678
Federal Courts.....	266
England.....	1,433
Scotland.....	246
Ireland.....	165
Canada.....	164
India.....	186
New Brunswick.....	20
Australia.....	17
Mauritius.....	15
Nova Scotia.....	13
Cape of Good Hope.....	11
New Zealand.....	8
Jamaica.....	5
Sandwich Islands.....	3
Prince Edward Island.....	1
Newfoundland.....	1
Total.....	5,232

The above is exclusive of all digests, periodicals and similar publications, some of which are very comprehensive. Thus, the *English Jurist* comprises 55 volumes; the *Law Journal* reports 60 volumes; the *Law Times* reports 43 volumes, and the *Weekly Reporter* 29 volumes. These and similar works would probably swell the total to 6,000 volumes. And of this ponderous mass Mr. High says: "These reports are of practical and daily use in all the courts. Text writers consult them in the preparation of their treatises, counsel cite them in their arguments, and judges rely upon them in their decisions. No great law library is complete without them, and they form the working tools of their trade to the busy hive of toilers in the great workshop of the law." Mr. High appears to think that a great many of these volumes might be dispensed with, especially the reports of courts of original jurisdiction. "Their existence," he says, "may, perhaps, be ascribed in part to the ambition of *nisi prius* judges, desirous of seeing their decisions in print, and in perhaps a larger degree to the enterprise of publishers, ambitious to extend the list of their publications." Mr. High seems to forget that the latest reports will always be the most valuable, and in fact the solution of