

office of the writer was as much to suggest the undeveloped doctrine for which no precedent existed as it was to reconcile and elucidate. Nevertheless there were annotators in those days worthy of the name. Occasionally they combined annotating and reporting, of which Serjeant Williams' notes to Saunders' reports may be noted as an example. His note to *Pordage v. Cole*, 1 Wms. Sannd. 319, 18 Eng. Rul. Cas. 601, on Mutual Covenants in Contracts, is cited specially scores of times in the later books of reports, and may be said to have established for the law a systematic conception and analysis of that difficult subject. Very much of the work in Coke's Reports is essentially annotation. It does not avow that character by a typographical arrangement separate from the report of the case, as we do now. Indeed, it is run into the body of the opinion, and at most is distinguished by the words, 'But note reader that,' etc., with which Coke was wont to introduce his own observations. Nevertheless it is annotation, and though Coke was sometimes criticized for it, as in the words of Lord Holt, who accused him of 'improving' the reports (see *Coggs v. Bernard*, 2 Ld. Raym. 909, 5 Eng. Rul. Cas. 247, at 252), yet time has vindicated the work of Coke, and left such criticisms of bookish rather than practical interest. One eminent work of annotation, known well to all the old lawyers was that in Smith's *Leading Cases* (vol. 1, 8th ed., p. 199), the forerunner of the great sets of selected cases of this day with their elaborate and exhaustive annotations.

"It is because of the great augmentation in the number of reported cases, due largely to the multiplication of separate jurisdictions in the United States, that to-day's problem for the special labours of the annotator has existed. When jurisdictions were few, and precedents not numerous, the practitioner and the judge were able and had the time to thread the reason and principles of the law through the cases well enough without the help of a modern annotation. There were not multitudes of subtly applied illustrations of general principle to minutely variant facts. Instead of fifty there were a dozen jurisdictions, perhaps, to diverge from uniformity of doctrine and furnish con-