

GENERAL NOTES.

AUTHORITY OF REPORTS.—Considering how largely English law rests on the authority of decided cases, it is rather surprising how little trouble is taken to appraise the value of the different series of our vast range of reports. When Mr. Preston cited a case from the “Chancery Cases of Barnardiston,” Lord Lyndhurst exclaimed, “Barnardiston, Mr. Preston! I fear that is a book of no great authority. I recollect in my younger days it was said of Barnardiston that he was accustomed to slumber over his note-book, and the wags in the rear took the opportunity of scribbling nonsense in it.” So when Espinasse was cited to the late Chief Baron Pollock, that learned judge is reported to have said, “Espinasse! let me see; wasn’t that the deaf old reporter who heard one half the case and reported the other?” “Fitzgibbon’s Reports” (1728-33) came in for some scathing remarks from Lord Raymond. That learned judge described them as a libel upon the Bar and the Bench, and said that they had made the judges, and particularly himself, talk nonsense by wholesale. “See the inconvenience of these reports! They will make us appear to posterity for a parcel of blockheads.” Yet these, and many others of indifferent authority, are cited indiscriminately, under stress of argument, in our Courts every day. Why does not the Bar Council publish a canonical list of books, reports, and text books sanctioned by the judges? In old days, many of the series of reports were licensed by the judges. It is only fair to say, however, *apropos* of Lord Raymond’s strictures on “Fitzgibbon’s Reports,” that Sir James Burrows observes: “I have examined all the King’s Bench cases in them very carefully, and have compared them with my own notes, and find him to have made the judges talk almost verbatim what I took down myself from their own mouths.” But is not this quite compatible with Lord Raymond’s wrath? Could even a Solomon stand being reported verbatim?—*Law Journal (London)*.

INFLUENCE OF THE OATH.—People know little of human nature who think that the solemnity of an oath might be dispensed with on the part of witnesses in a Court of justice—that the conscientious man may be trusted to tell the truth because “right is right,” and that for the unconscientious an oath is an idle form. These theorists do not reckon with the superstitious beliefs which thousands of years have wrought into the very soul of man, into the weft and warp of his consciousness; dor-