

A HANDBOOK OF ENGLISH LAW REPORTS.

INTRODUCTION.

It has been said that the law reporter is a pillar of the Constitution (a), and the statement can hardly be disputed when we consider that the published reports of decisions in the Supreme Courts constitute the evidence of a great part of the Law of England (b). Lord Bacon said that as Reports are more or less perfect, so the law itself is more or less certain, and, indeed, better or worse (c). Therefore published reports, like other evidence, require sifting to enable us to form a true estimate of their value. In considering a set of reports as a complete work, some of the following questions are suggested: What were the qualifications of the reporter? Under what circumstances were his reports published? Did he himself take notes of the cases or did he borrow, and from whom? Were the reports published during his lifetime or edited by others after his death? Were they prepared by him with a view to publication? What opinions as to the authority of his reports have been delivered by judges and learned writers?

(a) *Sat. Rev.*, 22nd October, 1910, p. 512.

(b) The late Professor Maitland speaks of the historical value of reports: "When all has been said that it is fair to say of England's wealth of legal records, the truth remains that the history of English law from the days of Edward I. to the days of Edward VII. must be primarily sought, not in records properly so-called, but in reports. To this may be added that in the way of intellectual products medieval England had nothing more purely English to show than its law reports, its Year Books. *Introduction to the Year Books of 1 & 2 Edward II.*, Selden Society, 1903, p. ix. See also the introduction to Holdsworth's *History of English Law*, vol. I.; and on the subject of Reports as records of law, see Sir Frederick Pollock's *First Book of Jurisprudence*, third edition, pp. 287-314; Professor Dicey, *Law and Public Opinion in England during the Nineteenth Century*, pp. 359-368.

(c) *Touching the Amendment of Laws*.