

TRAVELLING BY RAIL—CRITICISMS ON THE REPORTERS.

ow can have sustained no pecuniary damage by the death of her husband; and, the action being for the injury arising in a pecuniary point of view, nominal damages only, if any, could in such a case be recovered."

In all actions for injury by negligence, the damage should be a compensation for the actual injury, and it is error to leave the measure and amount of damage, as well as the rules by which they are to be estimated, entirely to the jury. *Pennsylvania R. W. Co., v. Brooks*, Am. Law. Reg. 524.

(To be continued.)

CRITICISMS ON THE REPORTERS.

We now proceed to redeem a promise which we made in these columns about a year ago—that is to publish from our memoranda, comments, chiefly judicial, which have been from time to time made upon the Reporters. Many notices which we had culled were forestalled by a selection we then availed ourselves of from the *American Law Review*; and more recently (last month) we find that a continuation of the same selections, in the same periodical, also republished by us, has still further diminished our store. Still we can supply some points that the collector on the other side has not gathered up, or has mislaid, and we hasten to disclose what is left in our Note-book.

Of course everyone knows that Mr. Wallace's book on "The Reporters" is the text-book on the subject. We are glad to learn that a second edition of this scholarly work is in process of preparation. What we publish now will not go over ground already traversed by the American author, or by the articles above referred to. We have endeavoured to lop off from our extracts everything so easily accessible as the contents of Mr. Wallace's pages, and of the columns of

the *American Law Review*. At present we shall confine ourselves to the reporters,—afterwards we may pass to notices of the text-writers and legal authors.

AMBLER'S REPORTS.—It has been a frequent subject of regret, that a gentleman, who by a constant practice in the Court of Chancery for upwards of 40 years, was apparently so well qualified to publish the results of his industry, should have failed so remarkably in the task which he undertook. His reports are well known to be an extremely careless and imperfect production. The facts of most of the cases are stated shortly and defectively; in many the dicta of the judges, in some even the points themselves, have been erroneously reported. The only notice which some of the most important cases in the book have received, is a short memorandum of the point determined. The notes taken in the earlier part of his life evidently bear few marks of subsequent revision; and as no editor has yet come forward to verify his statements by reference to the Registrar's Books, the frequent discovery of errors has given a reputation for inaccuracy to the publication: Hon. R. H. Eden in preface (1818) to his reports, *temp.* Lord Northington. In Mr. Wallace's book on "The Reporters," it is said, "Ambler as originally printed was of imperfect authority. A new and much improved edition was given to the profession in 1828, by Mr. Blunt."

BROWN'S CHANCERY CASES.—"These cases are generally considered as too shortly taken; and this may be accounted for by the brief manner in which Lord Thurlow pronounced his decrees, seldom giving his reasons for his decisions." Bridg. Leg. Bib. 40.

"An inaccurate reporter." Per Lord Eldon, as noted in 20 Law Mag. 62.

BROWN'S PARLIAMENTARY CASES are reported in such a form that the grounds upon which they are decided can never be positively ascertained. 17 Law Mag. 58.

BULSTRODE.—"One of the best reporters of his day. His writings are at once elegant and excellent." Woolrych's Serjeants, xxvi. n. and 380.

BURROWS' REPORTS.—Having occasion to point out an error in the statement of facts in a case in Burrows, Lord Eldon goes on to observe, "Speaking with all deference, but with due anxiety for the information of those for whom these books are written to instruct, I cannot