

2. The following proviso is added to and shall form part of the seventy-third section of the said Act

"Provided always, that no person shall be held to be disqualified from being elected a member of the council of any municipal corporation, by reason of his being a shareholder in any incorporated company, having dealings or contracts with the council of such municipal corporation."

SELECTIONS.

LAW REPORTING.

The Report of the Committee of the Bar on Law Reporting is now before the profession, and the scheme which was agreed to by the majority has to be considered before the adjourned meeting of the Bar in November. The scheme proposed is simply for an amalgamation of the existing reports, and their publication in future under the control of a council, having the management of the financial department, and the selecting of a competent staff of editors and reporters.

Should this proposition bring a sufficient subscription list, one great step would be made towards an improvement on the present costly and unsatisfactory mode of preparing our law reports. The Committee, however, have not at present recommended any alteration of our *system of law reporting*, which leaves the rules of law laid down in Westminster Hall to be collected only from notes, not only unauthentic, but confined to those matters which appeared to the reporter at the moment of taking them adapted for publication, affording no guarantee against the omission altogether of decisions of the greatest importance, but which the carelessness or want of judgment of the reporter may have kept out of his note-book.

The serious evils so often described as resulting from these defects of our law reporting system, may, for anything in the proposed scheme, remain unabated; and it is certainly remarkable that the Committee, with ample material before them, did not deal with such an important part of the subject referred to them.

The Committee, we are told, before entering upon the consideration of any scheme of amendment to be suggested by any of its members, resolved to issue a circular to the profession inviting observations and suggestions; such circular was as follows:—"The Committee are anxious, in order the better to discharge the duty entrusted to them, to collect the opinion of the profession upon the subject of Law Reporting; and for that purpose the Committee are desirous of receiving any observations which you, either alone or in conjunction with others, may be so obliging as to make upon what, in your opinion, are the advantages or disadvantages of the present system, and also any suggestions, either as to the principle or details of any amendment of the existing system which you may think desirable."

This circular was sent to the judges, and extensively distributed among both branches of the profession. In reply, the Committee received numerous and valuable observations and suggestions. Although these exhibited differences of opinion as to the proper mode of amending the existing system of law reporting, they exhibited, at the same time, a very general desire for amendment; and the Committee have been greatly assisted in the discharge of their duties, by the observations and suggestions thus received.

The Committee, also, before entering upon the consideration of any plan of their own, appointed a Sub-Committee (consisting of the Hon. George Peckham, Q. C., Mr. Sergeant Pulling, Mr. Henry Matthews, Mr. Quain, and Mr. Westlake) to inquire into the mode of recording and reporting judicial decisions in the various European States, and in the United States of America.

The Sub-Committee undertook these duties, and reported as follows:—"The Sub-Committee thus appointed have re-

ceived valuable communications from a number of competent foreign jurists, and other gentlemen professionally or officially connected with the chief tribunals of the countries embraced in the inquiry, and thus conversant with the subject-matter of the reference.

The Sub-Committee have by this means obtained information which they recommend to the Committee as worthy of their attention.

To begin with the system adopted in France. Every judicial decision is required to be in writing, and to be *motivé*, i.e., to disclose on the face of it the grounds and reasons on which it is founded; and when the signature of the President of the Tribunal has been affixed to those solemn judgments, it is the business of the *Greffier* to see them entered on the register of the courts, and only one version of them can therefore ever legally appear.

The records of the tribunals thus containing an authentic version of every decision, the legal profession and the public have at all times access to the register to ascertain what has from time to time been decided, and it is competent for any one to make from the register a selection of such decisions for publication. The collections of decisions by Sirey and Dalloz, and Ledru Rollin, have been thus prepared. Though these works are deservedly held in esteem, they are not official publications, any more than any series of English law reports.

In Norway and Sweden the judgments of the ordinary tribunals are always given in writing, and in every case entered on the protocols of the courts; and in the supreme courts of appeal, when the votes of the judges are given separately, it is the business of the registrar of the court to enter on the records of the court, not only the final judgment or conclusion, but the ground and reasons of the decision of each judge. Here, as in France, therefore, the records of the courts supply ample materials for the preparation of books of reports or collections of decisions, and such publications are left wholly to free trade.

In Denmark, though it is competent for any one to take down, print and publish reports of cases and decisions of which he has himself taken notes, the only authentic version of judicial proceedings is the *dombastoc* under the hand of the judge; containing not only the conclusion itself to which the court has arrived, but the facts and reasons and grounds of the decision; and from these, selections of cases which may serve for precedents are made by the direction of the courts, though it would seem that other selections made by competent private publishers would be received with equal attention.

In Italy all judicial decisions, whether civil or criminal, must be read aloud in open court, with the grounds in fact or law set out at length; and authentic minutes of the judicial opinions so pronounced are duly entered in the register of the court; and compilations of the principal decisions of the four superior courts of cassation at Milan, Florence, Naples, and Palermo are published by voluntary editors, whose province it is to make a proper selection of cases for publication, to give an analysis of them in the head and marginal notes, and to explain or illustrate them in other annotations. These compilations only so far receive the protection of the State that a certain number of copies are subscribed for out of the public treasury. The compilation entitled "*Le Legge Romana*" is a journal of judicial and administrative proceedings for the Kingdom of Italy, published at short intervals (the judicial three times a week) and containing in an abridged form notes taken from the minutes in the registers of all the important cases disposed of.

In the United States of America there is no law requiring either written decisions or a record or register of the grounds and reasons of the decisions; but the judgments are generally in writing, and in most of the States, and in the Supreme Court of the United States, there are now official reporters, remunerated by salary as well as by a portion of the profits