

*EVOLUTION IN ANNOTATION.*

By HENRY P. FARNHAM, M.L.

A report of a law case which makes no pretension to being annotated to-day is almost as rare as was the case which was annotated thirty-five years ago. The theory seems to prevail that the duty of a reporter is not done if he merely furnishes a correct copy of the opinion with accurate head-notes, adequate statement of facts, and helpful excerpts from briefs. He must, in addition, give the reader some additional light upon the problems solved by the court by reference to other cases in which the same or similar problems were involved. The spirit which animates this additional matter is good in all cases, and when the publication is sold, largely because of its annotation, it is necessary. While a judicial decision is now, as always, an application of a principle to a given state of facts, the modern lawyer is not satisfied with one elucidation of the principle, no matter how accurate and profound, but he wishes to know how other courts have dealt with the same question, even when he himself is capable of discerning the principle and reasoning to a proper conclusion the question of its applicability to particular states of fact. If he is not capable of thus reasoning as to principle, he insists upon knowing the various conclusions which have been reached in cases presenting similar facts, and to be given the opportunity of counting the decisions upon the respective sides so as to know what the weight of the authority is. Aids to this knowledge are, therefore, welcome and more or less helpful, according to the fullness and accuracy of the information conveyed. To furnish these aids, annotation is furnished. This is of many varieties and many degrees of excellence. That requiring the least effort, and costing the least money, is composed of references to places where cases have been gathered either in notes to other reports and text-books, or in digests. The value of this annotation depends entirely upon the quality of the work to which reference is made. If it is to a carefully prepared and exhaustive collection of cases which are fully set out, accurately