

ENGLISH LAW REPORTS DIGEST.

particularly when it may happen, as has often happened before, that one of the Judges may be incapacitated from business by sickness or other causes, and we all feel that such a contingency is not improbable with the amount of labour they have to undergo. Again, each petition will absorb at least two if not more of the leading counsel, and this will take from Term business (if, as is probable there will be, three trials going on at once), from six to ten of those whom clients depend upon in a most important part of their suits. Of course this is all written on the supposition that such an arrangement is contemplated, which may not be the case. Nor do we anticipate that the Judges will take any course but the most advisable under all the circumstances.

There are now eighteen petitions presented, and the trials will take a long time. In one case it is said that there will be nearly two hundred witnesses on each side, though this may be doubted. The consideration of these matters points to the oft repeated suggestions that the number of Judges might with advantage be increased. Mr. Dalton's appointment was a great relief, but if there is to be anything of a periodical crop of election petitions an addition will be a necessity. If Mr. Dalton was given full powers as a Judge by the Dominion Government all that is at present required would be gained. We trust the executive will relieve the Judges from a great deal of manual labour in these cases, and save much of their valuable time by employing for them short-hand reporters, as is done in England.

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There seems to be but one opinion as to the value of the Digest of the Law Reports. The *Solicitors' Journal* says, "It is next to impossible to find any thing in it." A correspondent of the *English Law Journal* thus feelingly speaks on the subject:—

"I have often occasion to refer to this book as well as other digests; and so unskillfully is the Council's book executed, that I find the book a perfect nuisance and source of irritation. The thing is a chaos. The authors in preparing it seem to have laboured under a complete derangement of legal ideas of order. When I refer to this 'Digest' I can seldom find the subject I want without first looking under several heads. I will give my last example. A client asked my advice

on a claim he had against a person who had sold him the goodwill of a trading business, and who had misrepresented the extent of his trade as being greater than it really was. I have the *Law Journal* Digests, Harrison's, Fisher's, Evans', and that issued by the Council, which unluckily was the first I could lay my hand upon. I looked at the word 'Deceit,' where I found nothing to the point, and indeed only one case noted, namely, 'Action against company for. See Contract for Shares.' I turned to "Fraudulent Misrepresentation," and found only one case (also not to my purpose), namely, 'Measure of Damages,' being a case of a cow which was not free from infectious disease. I referred to 'False Representation,' where, again, I found one case only, being one as to 'Effect of Bankruptcy upon Right of Action for.' I looked for 'Case,' but there was no such title. At last I looked for 'Goodwill,' and probably you may say 'Why on earth did you not look for "Goodwill" at first?' I can only reply, that when I learned my business, digests were arranged under regular heads, such as I have mentioned above, and I suppose by long habit and association of ideas my thoughts marshal themselves after the same manner; and therefore from habit I pursued my researches in the way I have indicated; and, moreover, although my client's business related to 'Goodwill,' the questions in my mind might just as well have related to 'Good Digest,' or good anything else.

"After all, Mr. Editor, you must not condemn my method of looking out cases; for when I looked at 'Goodwill,' the 'Digest' referred me to 'Sale of Goodwill,' and, on referring to the last-mentioned title, I found one case noted, which, so far as the 'Digest' informs us, did not decide any point relating to goodwill."

In fact the system adopted, if such it could be called, is to put cases under titles where a layman might look for them, but a lawyer never. The Law Reports, though admirable in their way, have their defects, especially as to the digests, and it yet remains to be proved that they are entitled from their excellence to supersede, which as yet they have by no means done, the excellent reports given in the volumes of reports published in connection with such publications as the *Law Times*, the *Solicitors' Journal*, and the *Law Journal*.

The Assize business throughout the country has been light so far, partly owing to the general prosperity, and partly to the elections having disturbed the current of litigation.