

## PROTECTION V. FREE TRADE—DIGESTS AND DIGEST-MAKING

A large field of inquiry is opened up by even a cursory glance at the subjects and interests involved, too large, however, for present discussion. It is one, however, that must be taken up some day by those whose duty it is, and we can assure them that it is of interest to so many as to require careful and full consideration at an early day. We at least have endeavoured to do our duty in the matter, and shall so continue.\*

*DIGESTS AND DIGEST-MAKING.*

This subject is pleurably brought to our notice by the fact that the long expected and much-sighed-for Digest of Ontario Reports has at length made its appearance in the shape of two portly volumes, wherein are classified and epitomized all the reported decisions of the Superior Courts of law and equity in this Province from their foundation up to the present time.

Before, however, making any more detailed reference to the special features of the new Digest, it may not be without interest to notice briefly its predecessors in the same field, so far as this Province is concerned. The first of these was published in 1840 by the late Mr. John Hillyard Cameron. Many of the cases contained in this work had not previously appeared in print, as the regular series of Queen's Bench Reports did not commence till some years later. Up to that time printed reports were few and far between, a state of things which the practitioner of to-day will perhaps find it difficult to realize. In 1852 appeared Robinson and Harrison's Digest, which taking for its starting-point the commencement of Taylor's Reports in 1823, brought the cases up to the end of vol. 7 U. C. Reports. This compilation was mainly due to the industry of that indefatig-

able worker, the late Chief Justice Harrison, then a student in the office of Mr. (now Sir James) Lukin Robinson, under whose supervision it was prepared.

Next in order comes Harrison and O'Brien's Digest, which was published in 1863, and included over 3000 cases contained in 35 volumes of reports which had appeared since the publication of its predecessor. The preparation of this work was entrusted entirely to Mr. Henry O'Brien, Mr. Harrison's time being then fully occupied with the many things his busy hands found him to do. It was necessarily a much larger volume, and therefore involved more labor than its predecessor, and what we say is of general application, for any one who has had anything to do with digest-making knows how much each additional case adds to the difficulty of the work, often leading to an entire re-arrangement of one or more headings, or further subdivisions or classifications.

But meritorious and indispensable as these compilations undoubtedly were in their day, they are now completely superseded by the work that lies before us, a necessary result of that *saeva necessitas*, which sooner or later consigns all digests, when their usefulness is gone, to an honorable and rarely disturbed retirement on the top shelves of legal libraries.

The general plan adopted by the editors is the same as that of Fisher's Digest of the English Reports. That splendid monument of legal industry is itself, as is well known, founded on the Analytical Digest of the late Hon. Samuel Bealey Harrison, formerly judge of the county of York in this Province. Not the least of the claims which that most estimable and accomplished man has on the grateful remembrance of his professional brethren, alike of the English and the Ontario Bar, is that he was the first author of a thoroughly good Digest, which was not only best in his own day, but the direct ancestor of the best in ours. Had there been no "Harrison," there would have been no "Fisher," and worse still

\* After the above article was in type, we received the *resume* of the proceedings of the Benchers for last Term, from which it appears that a committee has been appointed to consider this question. We are sure that the profession at large will heartily welcome this evidence of awakening interest in a matter of such vital importance.—[Eds. L. J.]