

## THE REPORTERS AND TEXT WRITERS.

that we wish we had a great many more of them. He leaves little causes to take care of themselves, and assigns them a brief space. But when he comes to great arguments, where research and talent are brought out with vast power and authority, he pours their whole strength before the reader, giving him all the materials of an independent judgment. He can, if he pleases, repeat such cases for himself, by the aid of the reporter."—Story's Miscellaneous Writings, 177.

JOHNSON'S CHANCERY REPORTS. "The chancery decisions of Chancellor Kent are as full of learning, and painstaking research, and vivid discrimination, as those of any man that ever sat on the English woolsack. No lawyer can ever express a better wish for his country's jurisprudence, than that it may possess such a Chancellor and such a Reporter."—Story's Miscellaneous Writings, 178, 179.

MARCH'S REPORTS. "A very indifferent reporter."—Parker, C. J., in *Mitchell v. Reynolds*, 10 Mod. 138. "March is mean, but yet not to be rejected," says Roger North, in his *Discourse on the Study of the Laws*, p. 24.

PALMER'S REPORTS. Chief Justice Parker, in reviewing a case which is reported in Palmer and in Rolle's Reports, but which Rolle never transcribed into his Abridgment, remarked that Rolle, "being at that time the expert reporter, has given the fullest account, and is chiefly to be regarded."—Lord Kildare *v. Fisher*, 1 Strange, 71.

PARK ON INSURANCE. "A very able treatise."—Shaw, C. J., in *Loomis v. Eagle Life and Health Ins. Co.*, 6 Gray, 399.

PARKE (BARON). In a very recent case, Mr. Justice Willes observed, with reference to a question of pleading, that Baron Parke "was the highest authority on that subject within living memory."—Huddart *v. Rigby*, 10 Best & Smith, 918.

PHILLIPS ON INSURANCE. "The clear and satisfactory statement of the result of the authorities, by Mr. Phillips."—Thomas, J., in *Marble v. City of Worcester*, 4 Gray, 411.

POTHIER (ROBERT JOSEPH). *Treatise on the Law of Obligations, or Contracts*. Translated from the French, with an introduction, appendix, and notes, illustrative of the English Law on the subject. By W. D. Evans. 2 vols. 8vo. London, 1806. "In a work, which the author used to say was more used by other writers than noticed, I mean a treatise upon the law of evidence appended to his edition of Pothier, by the late Sir W. D. Evans," &c.—Williams, J., in *Doe v. Suckermore*, 5 Ad. & El. 722. "A most learned and eminent writer upon every subject connected with the law of contracts, and

intimately acquainted with the law-merchant in particular."—Lord Ellenborough, C. J., in *Hoare v. Cazenove*, 16 East, 398.

RASTELL'S ENTRIES. In delivering the considered judgment in the *King v. Willey*, 1 M. & S. 188, Lord Ellenborough said: "The precedent in Rastell is one of the most vicious precedents that I ever contemplated. . . . I had a curiosity to know on what authority the precedents in Rastell were founded; and, upon looking at his preface, I find the author is anxious to discharge himself from all responsibility respecting that part of his work. He says, 'Understand this, good reader, that none of the declarations, pleadings, entries, and precedents that be in Latin in this book be of my making or compiling.' He then points at the sources from whence they were derived, viz., four books: first, the old entries; the second, a book of precedents by Mr. Edward Stubbs; the third, precedents by John Lucas; the fourth, a book of precedents, which, he says, 'was my grandfather's, Sir John Moore, some time one of the justices of the King's Bench, but not of his collection.' The only merit which he takes to himself, which is undoubtedly not an inconsiderable one, is in the arrangement of them and the index; but he expressly discharges himself from every other responsibility, assigning as a reason for so doing, in the concluding part of his preface, that he had been absent from the kingdom, 'and lacking conference with learned men.' This may be considered as a sufficient excuse for many errors; and, among others, for the insertion of that vicious precedent, on the sole authority of which we are desired to overturn the numerous authorities laid down by Lord Coke and Lord Hale, two of the most eminent authors and judges that have ever adorned Westminster Hall."

ROLLE'S ABRIDGMENT. It was said at the bar that it was the opinion of Rolle that a certain case was not law. Mr. Justice Twisden observed: "That was his opinion, it may be, when he was a student. You have in that work of his a commonplace which you stand too, much upon: I value him where he reports judgments and resolutions; but otherwise it is nothing but a collection of Year Books, and little things noted when he made his commonplace book. His private opinion must not warrant or control us here."—*Osborne v. Walleeden*, 1 Mod. 273. "Lord Rolle was a very learned man, and his Abridgment was published by Lord Hale, perhaps the greatest man of the law that ever was."—Lord Holt in *The City of London v. Wood*, 12 Mod. 689.