

THE REPORTERS AND TEXT WRITERS.

HALE'S PLEAS OF THE CROWN.—Very soon after the first edition of his Reports was published in 1763, Mr. Justice Foster retracted what he had said in that edition respecting Lord Hale's inaccuracy. See p. xxxii. of the 3rd ed. See also per Monahan, Attorney-General, *arguendo* in *Regina v. Mitchell*, 3 Cox C. C. 117.

"Every one who relies upon Lord Hale should remember, 1st. That he corrected his MSS. only to the twenty-seventh chapter; 2ndly. That Lord Hale, 'not having always had leisure to consult the books themselves, had frequently copied from the misprinted quotations in the margin of Lord Coke's third volume of his Institutes;' which also clearly shows that he had relied on Lord Coke's statements themselves. See the preface to Hale's Pleas of the Crown, pp. xi., xii." 2 Russell on Crimes, 182 note, 4th ed.

It may be observed that writers subsequent to Lord Hale have stated absolutely many things which he delivered under various degrees of assent and modification of doubt. They have omitted such expressions as "but this is but hearsay," "it might be a question," "it seemeth," "*sed tamen quære*," "*quære de hoc*," etc. It has been well said that these are "by no means arbitrary words, without much meaning; but are inserted with the utmost deliberation and judgment." A recent author adds: "These ancient writers advanced timidly over such slippery ways as those of the common law; but by suppressing their misgivings and rushing in where they trod with alarm, an easy passage has been opened by their successors over the legal Alps." Amos's Ruins of Time, p. 2.

HAMMOND ON PARTIES TO ACTIONS.—"An extremely able work."—Martin, B., in *Fairlie v. Fenton*, L. R. 5 Exch. 171.

HAMMOND'S TREATISE ON THE LAW OF NISI PRIUS.—"An admirable work on the subject of torts."—Martin, B., in *Collins v. Cave*, 4 H. & N. 234.

HAWKIN'S PLEAS OF THE CROWN.—"A work of high authority, and a writer that never was supposed to have taken too favourable a view to those prosecuted."—Perrin, J., in *Regina v. O'Connell*, 1 Cox C. C. 378.

"Hale and Hawkins are justly regarded, not as respectable compilers, but as standard authorities."—Gaston, J., in *The State v. Johnson*, 1 Iredell, 363.

JARMAN ON WILLS.—"An 'eminent writer.'"—Erle, C. J., in *Roddy v. Fitzgerald*, 6 House of Lords Cases, 823. A "valuable work."—Bovill, C. J., delivering the considered judgment in *Bradley v. Cartwright*, L. R. 2 C. P. 621.

JOHNSON'S REPORTS.—Williams, C. J., says: "The decisions which are found in Johnson's Reports have always come to us with a weight of authority to which the learning, talents, and exalted legal character of the learned justices who composed the court so justly entitled them."—*Ives v. Hulet*, 12 Vermont, 335.

KEBLE'S REPORTS.—"It must be admitted that Keble is of no high repute as an accurate reporter; and the court would be slow to act on a case in that book, if it were unsupported by others. . . With respect to the authority of Keble, we cannot refrain from referring to the highly valuable and interesting work of Mr. J. W. Wallace, *The Reporters*, 207, 208, 3rd ed., from which it appears that more is to be said of this reporter as a 'tolerable historian of the law,' than from the remarks made upon him from time to time might have been supposed."—Williams, J., delivering the judgment in *Farrell v. Hilditch*, 5 C. B. N. S. 853, 855.

Lord Mansfield justly observed on one occasion: "It is objected that the books (Keble's and Freeman's Reports) are of no authority; but if both the reporters were the worst that ever reported, if substantially they reported a case in the same way, it is demonstration of the truth of what they report, or they could not agree."—*Rex v. Genge*, 1 Cowp. 16.

KELLYNG'S REPORTS.—"A book of high authority."—2 Russell on Crimes, 244, 4th ed.

"That is a book which can never be referred to without reprobating the course which appears there to have been taken, of judges and Crown counsel meeting together to settle, revise, and rule beforehand the points of the trial; and we must not forget that the book was edited by Lord Holt, and the preface written by him."—Fitzgerald, J., in *Mulcahy v. The Queen*, Irish Rep. 1 Com. Law, 64.

LAW TIMES REPORTS.—"It is but right to say that, considering the celerity with which these Reports are published, they are very creditable productions."—Preface to the fourth edition of Russell on Crimes.

LEVINZ' REPORTS.—Lord Tenterden: "Levinz is a better authority than Keble." *Rex v. Russell*, 1 Moody C. C. 363. Lord Mansfield, 5 Burr. 2731, and Lord Kenyon, 3 T. R. 17, expressed the same opinion, "which indeed," writes Mr. Wallace, "is not to say a great deal." *The Reporters*, 206, 3d ed.

MACHLACHLAN ON THE LAW OF MERCHANT SHIPPING.—"An excellent, able, and well-written work."—Cockburn, C. J., in *Castrique v. Imrie*, Exch. Ch. 30th November, 1860. "An acqui-