

DIGESTS OF ONTARIO REPORTS.

* *DIGESTS OF ONTARIO REPORTS.*

The New Digest, so long hoped for, is being issued in parts, and we have now the first part before us, containing the titles "Abandonment" to "Arrest," comprised in 104 full pages. It is supposed that the whole work will be complete in about fifteen parts, or about 1800 double column pages.

The first Digest of Upper Canada Reports was undertaken by the present leader of the Bar in Ontario and Treasurer of the Law Society, Hon. John Hillyard Cameron. He published a digest of cases from Mich. Term, 1828, to the end of the year 1843. Nine years afterwards Mr. R. A. Harrison, then a Student-at-law, published, under the supervision of James Lukin¹ Robinson, the then Reporter to the Court of Queen's Bench, the volume known as Robinson & Harrison's Digest, containing all the cases from 1823 to the end of Vol. VII of the Upper Canada Reports—in a book of 530 pages, and including thirteen volumes of reports.

From about this period,*and after the Courts of Common Pleas and Chancery were established, judicial decisions began to multiply, and after a few years there was again a demand for a new digest, or a continuation of the last one. Mr. R. A. Harrison, with his accustomed energy, determined to supply the want, but the pressure of other work induced him to hand over the arduous undertaking to Mr. Henry O'Brien, who in 1863 published the volume known as Harrison & O'Brien's Digest, which brought the cases down to the year 1861. This was a book

of 870 pages, and included no less than thirty-five volumes of reports.

This digest was a great relief to the profession, though it was thought by some that it would have been better to have combined with it the contents of the previous digest. It was intended by the Editor to follow it up by a similar publication every few years. This, however, was not done, as Mr. Christopher Robinson announced his intention of preparing a consolidated digest, which should include all the cases in the previous ones, as well as all which should appear up to the time of publication.

As we have said Mr. Harrison's digest contained the cases reported in thirteen volumes of reports, Mr. O'Brien's those in thirty-five volumes, and the present one will contain the cases reported in over one hundred volumes. These figures alone will give some idea of the amount of labour involved, and the extent of the work. It is somewhat curious to remark, *en passant*, that each succeeding digest has contained about three times as much matter as the preceding one.

It will be noticed as a very important feature in the new digest that the head notes of many of the cases have been condensed, and many of them re-written. It cannot be denied that to make a really good digest this was absolutely necessary, as in many volumes of the reports the head notes were not all that could have been desired.

This condensation of head notes and the grouping of cases, which decide practically the same point, strikes one at once as a great improvement on the former digests, as does also the fewness of the cross references, the necessity for which is obviated by repeating the head note where the matter of it is equally applicable to different subjects.

The whole plan and style follows closely that of Mr. Fisher's last digest, as

*A Digest of the Reported Cases determined in the Courts of Common Law and Equity in Ontario from the commencement of the Reports in Trinity Term, 1823, to the present time, by Christopher Robinson, Esq., Q. C., and F. J. Joseph, Esq., Barrister-at-Law. Toronto: Rowell & Hutchison, 1874.