

THE REPORTERS AND TEXT WRITERS.

the misapplication of the term 'gross negligence,' which are to be found in Campbell's Law of Negligence, p. 11."—*Ibid.*

COKE'S FOURTH INSTITUTE. "With respect to what is said relative to the admiralty jurisdiction in 4 Inst. 135, I think that that part of Lord Coke's work has been always received with great caution, and frequently contradicted. He seems to have entertained not only a jealousy of, but an enmity against, that jurisdiction."—Buller, J., in *Smart v. Wolff*, 3 T. R. 348.

COKE'S INSTITUTES. CAMDEN'S BRITANNIA. Lord Hardwicke, C. J., said that though Coke's Institutes were good authorities as to matters of law, yet that they were no legal evidence of the historical facts mentioned in them; and that the same has been held as to Camden's Britannia, and such like books.—*Rex v. Reffit*, Cunningham, 62, 3d ed.

COMBERBACH'S REPORTS. "Comberbach, in giving the judgment of the court, which is the only sensible part of his whole report (for it is plain to me that he did not understand the former argument on the former day, which is the first part of his report of the case), agrees with Shower. But he must be mistaken in the first part of this report."—Lord Mansfield, in *Cooper v. Chitty*, 1 Burr. 36.

COMYNS'S DIGEST. "A book of very excellent authority."—Lord Ellenborough, C. J., in *Kingdon v. Nottle*, 1 M. & S. 363. "Admirable."—Vaughan, B., in *Chapple v. Durston*, 1 Crompt. & J. 9. "A work almost perfect in its kind," says Judge Story. "He is the most fortunate jurist who possesses the earliest edition. Of the later editions, in octavo, we can say little by way of commendation. They have the gross fault of a total departure from the style, brevity, accuracy, and simplicity of Comyns; a departure which is utterly without apology, as it exhibits, on the part of the editor, either an incapacity for the task or an indifference to the manner of executing it. Mr. Kyd's edition has the negative merit of having done but little injury; Mr. Rose's, in 1800, has interwoven a miserable patchwork; and Mr. Hammond's, in 1824, has even less merit, containing the substance of his indexes to the common-law and chancery reports, thrown together with a strange neglect of the symmetry of the original work."—Story's Miscellaneous Writings, 389–393, ed. 1852.

CARPMAEL'S PATENT CASES. In the course of the argument in *Feather v. The Queen*, 6 Best & Smith, 270, 271, the case of *Walker v. Congreve*, 1 Carpmael, 356, was cited. Cockburn, C. J., remarked: "Mr. Carpmael's ability is great, but that is not a professional report."

COX'S CASES IN CHANCERY. "Cox has the reputation of being a reporter of brevity, perspicuity, and undoubted fidelity. That which, says Lord Eldon, makes Mr. Cox's work of so much value in the library of a lawyer, is his habit of examining the registrar's book for the purpose of greater accuracy."—*Alrich v. Cooper*, 8 Ves. 392.

DOCTRINA PLACITANDI. "A book which has always been admitted to be of great authority in pleading, and was often quoted by Lord C. J. Willes."—Lawrence, J., in *Lee v. Clarke*, 2 East, 340. "A work which, though extremely learned and elaborate, and for a long time justly considered as the capital source of information upon pleading, amounts, after all, to no more than an extensive collection of adjudged points, classed without any skill of arrangement, under titles in alphabetical series."—Stephen, Pl. preface to the first edition.

DYER'S REPORTS. "The cases inserted in the margin of Dyer are of great authority, being collected by Lord Chief Justice Treby."—1 Wms. Saund. 59, 6th ed.; 1 Wms. Notes to Saund. 82, Grose, J., in *Troward v. Cailland*, 6 T. R. 442.

FITZGIBBON'S REPORTS. Lord Hardwicke, citing a case from this book, said, "The case is well reported, though the book is not one of authority."—*Flanders v. Clark*, 1 Ves. Sen. 10, quoted in *Burbank v. Whitney*, 24 Pick. 155.

GRAY ON COSTS. "Very high authority."—Byles, J., in *Republic of Peru v. Weguelin*, L. R. 7 C. P. 355.

HARGRAVE (MR.). "One of the most learned of our text writers . . . The research and erudition of a lawyer so eminent."—Lord Denman, C. J., in *The Queen v. The Chapter of Exeter*, 12 Ad. & El. 531.

JARMAN ON WILLS. "I certainly admit Mr. Jarman to be authority."—Cockburn, C. J., in *Brookman v. Smith*, L. R. 7 Exch. 274.

JOHNSON'S REPORTS. In 1820, Mr. Justice Story wrote: "Mr. Johnson is a gentleman, as we have the pleasure to know, of great literary accomplishments, well instructed in the law, and of most comprehensive research. His Reports are distinguished by the most scrupulous accuracy, good sense, and good taste. He gives the arguments of counsel with force, precision, and fluency; transfusing the spirit rather than the letter of their remarks into his pages. One is never puzzled by unintelligible sentences, impertinent sallies, or disproportionate reasoning in his volumes. There is an exactness and symmetry about them that satisfies the judgment. His notes, too, are all good; so good