

REPORTS AND REPORTERS.

It is stated, I believe, on good authority, that, at the present time, the different Anglo-Saxon communities are producing about six hundred volumes of Law Reports per annum. Ontario, seemingly, has produced her full quota, and apparently the most modest of all the communities is the Mother Country.

The reports of the courts of this Province at the present time, number some five volumes per annum, and, taking into consideration that part of the business of the Supreme Court which relates to litigation from Ontario, the number of reports per annum in respect to the litigation of this Province would be fully six volumes. England, containing as she does, a population of more than ten times that of Ontario and possessing a wealth, with all the manifold causes of litigation which it involves, probably one hundred-fold in excess of the wealth of this Province, issues (aside from Admiralty, Probate, and Crown Cases) but six volumes of reports a year, and one volume of these reports is about half taken up with reports of decisions upon cases from the Colonies. In other words, the yearly number of volumes of the Law Reports of this Province at the present time is equal to those of England, whilst there are more than twice as many cases in the latter. It is obvious that this should not be: either the cases that are reported are too much padded, or many cases are reported which should not be.

I believe that both these evils exist, and have for some years past been increasing. Even in England there is a considerable under-current of feeling amongst the profession that the present reporters are not as efficient as reporters were many years ago, and that existing reports fail in conciseness and in an exact statement of the facts and law to be reported. The same evils exist here in a more aggravated form. The amendment of this is entirely in the hands of the profession, and it is solely on behalf of the profession that I allude to the matter.

I think that two or three volumes a year should be a sufficient number of reports to be issued by the Law Society of this Province. As I understand the matter, no case should be reported in which the decision turns merely on facts, and involves no question of law, unless in a court of last resort, and even then briefly. I further incline to the opinion that cases which involve the construction of documents, including wills, should rarely be reported, and never unless they illustrate or establish some principle of law or canon of construction. Facts should be stated as found. The proper office of a reporter is to record judicial decisions as to the law in reference to the facts so found. I think also that there should not, in general, be any reference to the pleadings, at all events as to their form. The arguments of counsel are often useful, if the case has been carefully prepared, pertinent authorities cited, and a sifting process carefully executed; and in such cases only should the arguments of counsel be reported.

Again, I think that oftentimes even the judgments themselves might be very much reduced in volume by eliminating those portions that are merely *obiter dicta*, or which, referring in detail to the facts of the case, are useless to the