

SELECTIONS.

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REPORTERS AND JUDGES.

Some recent paragraphs in our current London exchanges furnish food for instruction if not amusement to judges and reporters. The *Solicitor's Journal* says: "A good deal of interest has been excited by the development of a new feature in the August number of the *Law Reports* (Chancery Division). There appears, at p. 427, the following remarkable passage: '[Counsel], in reply—I regret the absence of Mr. Davey in this important case, 'Baggallay, L. J.—I do not think that your clients have suffered by its being left in your hands.' We have not the slightest desire to say anything calculated to give pain to the counsel who was distinguished in this manner. Nor do we mean to call in question the wisdom displayed by the learned judge in making such a remark, which he probably never expected to see reproduced in such a fashion. But we ask ourselves with surprise, what view the editor and the reporter can take of the respective functions. Reports are, as we understand the matter, published solely for the information of the profession as to the state of the law; and everything which does not conduce to that end ought to be rigidly suppressed. Remarks made by the judges casually during the arguments, even though they strictly refer to the matter in issue, so seldom require reproduction, that no safer working rule could be devised than one which should irrevocably decree their total exclusion. The *Law Reports* have long been unpleasantly distinguished among their fellows by their superior zeal in reproducing judicial babble uttered *obiter*; and this fault has been so often pointed out that they are probably hardened in it beyond hope of improvement. But a new departure will have been taken if their pages are in future to be made the vehicle of such announcements as that conveyed by the noteworthy extract above cited." And the *Law Times* says: "In an interesting article on law reporting, which appeared in the *American Law Review* a little more than a year ago, and on which we commented at the time, it was made a principal ground of complaint against contemporary English reporters that they inserted in their reports too much of the dialogue which took place in the course of the cases reported. It is at least open to doubt whether this method of reporting may

not be preferable to that commonly pursued in America of stating that 'the facts and arguments sufficiently appear from the judgment; the following cases were cited.' But there is, or ought to be, a limit to all things, and the observations of the American reviewer can hardly be said to be undeserved when read by the light of such a case as *Re Scottish Petroleum Company*, reported in this month's *Law Reports* (Chancery Division), in which no less than fifteen interruptions of the argument by the judges of the Court of Appeal are set out, and the reporter solemnly records the regrets of a junior counsel that his leader is absent, and the assurance of a judge that the junior's clients have not suffered by their case being left in his hands. The statement was, no doubt, gratifying, but it is one which has not unfrequently been forthcoming on similar occasions, although the pages of the reports do not generally bear witness to the fact." When we were at the bar we grew to be as afraid of this sort of praise by the judges as Laocoon was of the Greek present. We regarded them as ribbons tied about the neck of the lamb (or perhaps calf) about to be immolated. We observed that the judges never praised our arguments, except when they were about to beat us. Really, such expressions mean as little as the formal tenderness which the judges exhibit toward other judges when they are about to overrule them. Of course, they have no proper place in the reports. While we are about it, we may as well say, however, that we do not admire the English fashion of making a statement of facts in a case where the opinion does it sufficiently, and we much prefer the American method of being satisfied with once telling a thing. On this side of the ocean our heads are not so thick that they require to have things beaten into them by reiteration.—*Albany L. J.*

NEGLIGENT USE OF FIREARMS.

In *State v. Emery*, Missouri Supreme Court, June, 1883, it was held culpable negligence to brandish a loaded revolver in a saloon, whereby the lives of the persons therein are endangered, and the person by whose negligence a pistol is unintentionally discharged, resulting in the death of another, is rightly convicted of manslaughter in the fourth degree. The court, Sherwood, C. J., observed: