

CAUSERIE.

Better have a bad epitaph
Than their ill report while you lived !

—HAMLET, Act II., sc. 2.

THE ODDITIES OF REPORTING.—Lawyers familiar with the old English reporters will recall many curious comments by them upon the Judges and judgments wherewith they had to do, which would be considered highly unconventional, to say the least, if indulged in by the reporters of our own times. For instance, we are amazed to hear Sir Harbottle Grimston, the son-in-law and first editor of Croke, announce that he has taken upon himself “the resolution and task of extracting and extricating these Reports out of their dark originals” [his father-in-law’s hand-writing !], and to hurl at the “dark originals” aforesaid the vituperative, if classical, epithet of “folia sibyllina.” Then, perchance, if one’s researches take him into 4 Leonard, 198, and 2 Rolle, 87, he will be astonished to find that a certain point of law was “agreed by the Court, and *affirmed by the Clerks,*” and his wonderment over this anomalous court of appeal will not subside until he resorts to Lord Bacon’s essay on “Judicature,” wherein it is set down that “an ancient clerk, skillful in precedents, wary in proceeding and understanding in the business of the Court, is an excellent finger of a Court, and doth many times point the way to the Judge himself.” Again, the old reporters did not confine their divagations to strictures upon the Judges, or glosses upon the precedents reported by them, for sometimes we find them using the reports for the purpose of winging a cruel shaft against a brother scribe. Whoever has occasion to refer to Chief Justice Anderson’s report of *Shelley’s Case*, will find the following (1 And. 71):—“Nota—Le Attorney Master Cooke, ad ore fait report en print de cest case ove Argumentes et les Agreements del Chanceler et auters Juges mes rien de c. fuit parle en le Court ne la monstre,”—which put into simple English means that Coke—the fetish of the old common lawyers—was an unmitigated liar in the opinion of one, at least, of