

LAW REPORTS.

The attention of the Profession in Lower Canada has of late been turned to the want of Law Reports, and a strong desire felt for some steps being taken to supply this want. The only wonder is, that so long a time should have elapsed without something having been done to furnish accurate precedents for the future guidance of the Courts and the Profession. If the science of Law rest largely on authority, the need of faithful Reports becomes too evident to need much comment; more especially in this part of the Province, where much of the Law must be drawn from remote sources, and where our Common Law has been so largely altered by Provincial enactments. To expect any thing like uniformity in the Judgments of our Courts, without the means of publishing these Judgments, and the facts and reasons on which they are based, is no less vain than to look for enlightened legislation without discussion, or an enlightened public opinion without a public press. And yet for all practical purposes the Legal Profession in Lower Canada, as a Profession, has, up to this hour, scarcely derived more advantage from the decisions rendered in our Courts of Justice than might have been derived even if the Pleadings, the Evidence and the Judgments had been all verbal, and not a record of them kept among the archives of our Courts. Individual Lawyers, it is true, will take notes of their own cases, and the grounds of Judgments that particularly interest them, and these may circulate to a certain extent among the Bar; but it is needless to state how very inadequate and unsatisfactory must be the information to the Profession derived from such sources. It will frequently amount to little more than the number and title of the case, and if the case should fortunately be found and referred to, the task of examining the whole record must frequently be gone through in order to understand the particular point about which information is sought. And even when found and cited in Court, the case produces less effect than if read from an authentic Report, with which the Judges were familiar, the very words of which might be quoted by the Counsel. Nor can there be any security that he has happened to light upon a case which is really of authority, and which may not have been modified by a later and better considered decision, or perhaps reversed in Appeal.

And besides, it is no disrespect to state, that the influence both on the Bench and the Bar of faithful published Reports would be powerful and salutary. Under our present system, if an Advocate boldly advances the most doubtful, not to say untenable or exploded opinion, on a question of Law, it is scarcely noticed, and can do him little injury. Even with the Judges, such recklessness of assertion, unless it becomes habitual, does him little injury. Nay, with some of