

CRITICISMS ON TEXT WRITERS, REPORTERS, &C.

KAIMES, LORD. "His extreme inaccuracy in what he ventures to state with respect both to the ancient common law and the modern English law, tends not a little to shake the credit of his representations of all law whatever." Per Sir William Scott, in *Dalrymple v. Dalrymple*, 2 Hagg. Con. R. 92.

KEBLE'S REPORT (Third Volume). "I hold that to be a book of no great authority:" Per Ashurst, J., in *Atkins v. Davis*, Cald. R. 332.

KELYNG'S REPORTS. "For the case of the Regicides I refer to Sir John Kelyng's report; and, though that is a book which can never be referred to without reprobatng the course which appears there to have been taken, of Judges and Crown Counsel meeting together to settle, revise, and rule beforehand the points of the trial, yet these resolutions have subsequently received the stamp of the highest authority; and we must not forget that the book was edited by Lord Holt, and the preface written by him:" Per Fitzgerald, J., in *Mulcahy v. Regina*, Irish R. 1 C. L. 64.

LEONARD'S REPORTS (Third Volume). In referring to these reports Nottingham, L. C., says: "which, by the way, is the best book of reports of the later ones that hath come out, without authority" [i. e. without the *imprimatur* of the judges]. *Duke of Norfolk's Case*, 3 Chan. Ca. 49.

LUSH'S PRACTICE. "A very able book of practice:" Per Coleridge, J., in *Downes v. Garbett*, 7 Jur. 800.

MANNING, MR. SERJEANT. His note to *King v. Wilson*, 5 M. & R. 156, is recognized in *Longford v. Selmes*, 3 Kay & J. 220.

MITFORD ON EQUITY PLEADING. "Lord Eldon, I recollect, said of Lord Redesdale's Treatise on Pleading, that it was not surprising that there should be some mistakes in it, but it was surprising that there should be so few:" Per Stuart, V. C., in *Conduitt v. Soane*, 4 Jur. N. S. 504.

MOLLOY. "Not usually placed in the first class of authorities upon maritime subjects:" Lord Stowell, in *The Neptune*, 1 Hagg. Adm. R. 231.—"Almost anything can be proved by citations from Molloy:" Per Lord Mansfield, C. J., in *Goss v. Withers*, 2 Burr. 690.

NOTES OF CASES. Referring to *Re Wedge*, 2 No. of Ca. 14, and *Jane Taylor's Case*, 4 ib. 290, Warren, J., observes: "Reports of *ex parte* motions, where the assets are

inconsiderable, and where the argument of counsel was, that because an ambiguity was patent the Court might take extrinsic evidence, are not of much authority." *Sullivan v. Sullivan*, 1r. R. 4 Eq. 462.

NOY. "I wholly reject as only an abridgment of cases, per Serjeant Noy says when a student:" Per Twisden, J., in *Freeman v. Barnes*, 2 Keb. 652.

OLD REPORTERS. "It is objected that these are books (Freeman and Keble) of no authority; but if both the reporters were the worst that ever reported, if substantially they report a case in the same way, it is demonstrative of the truth of what they report, or they could not agree:" Per Mansfield, C. J., in *Rex v. Genge*, Cowp. R. 16.—"The inaccuracy of the early reports should be guarded against:" Sugden on Powers, p. 135, No. 31, n. 1.—"As to Equity pleading, the old cases occurring at a time when the Courts were very strict in matters of pleading, are very valuable on the subject" (reference to *Godbolt v. Watts*, 2 Arstr. 543): Per Wood, V. C., in *The United States v. McRae*, L. R. 4 Eq. at p. 338.

POTHIER. "He is as high an authority as can be had, next to the decision of a court of justice:" Per Best, J., in *Cox v. Tray*, 5 Barn. & Ald. 480.

PRECEDENTS OF PLEADINGS. "Where they are all the one way, they ought to be considered as great authority; but where there are a variety one way and the other, they are not of so much weight:" Per Burton, J., in *Barry v. McDowell*, 5 Ir. L. R. 351.

POSTLETHWAITE. "A very accurate writer on commercial subjects:" Per Lord Stowell, in *The Matchless*, 1 Hagg. Adm. R. 100.

REDFIELD ON RAILWAYS. "A book very ably written:" Per Martin, B., in *Shepherd v. Bristol R. R.*, L. R. 3 Exch. 196.

SELDEN'S TABLE-TALK "cannot be considered any authority on points of law:" *De Haber v. Queen of Portugal*, 17 Q. B. 171.

SHEPHERD'S TOUCHSTONE. "It is a work of very high authority, and contains the cream of Coke upon Littleton." Warren's Law Studies.

WYATT'S PRACTICAL REGISTER IN CHANCERY. "Not a book of authority, but it is better collected than most of the kind:" Per Lord Hardwicke in *Davis v. Davis*, 2 Atk. 22,