

**GENERAL DIGEST, ANNOTATED. *New Series, Vol. IV, 1897.*—**Rochester, N. Y.: The Lawyers' Co-Operative Publishing Company. 1898.

**This volume purports to cover all the reported decisions of all the courts of the United States, of the higher courts of England, and of the Supreme Court of Canada, with many important cases from other Canadian courts; including all officially reported cases, and all cases not to be officially reported, which were first published between July 1st, 1897, and January 1st, 1898. Upon the ques-**

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tion whether it contains all the reported decisions of the higher courts of England and the Supreme Court of Canada, we doubt; but the publishers assure that our doubts are ill-founded. Turning over the pages of this volume, we discover very few English and Canadian cases, and this has been our experience with previous volumes. The reason is said to be that very few decisions are rendered by the courts of those countries which are of general application in this country. The publishers of this Digest claim to include in it all decisions of the House of Lords, the English Court of Appeal, and the Supreme Court of Canada, not even excluding those depending exclusively on local statutes which have no counterpart, to any considerable extent, in this country. If this programme is faithfully carried out, it greatly enhances the value of this work to American practitioners.

A new feature, introduced for the first time in this volume, consists in giving the abbreviated name of the State or country within which the decision digested in each paragraph was rendered, in brackets and in bold-face type, at the commencement of the paragraph.

These bold-face abbreviations are of great value, because they enable the searcher to put his finger upon his own State, and to pick out the more readily the decisions of his own court there digested.

When it comes to American decisions, this series seems to digest everything as fast as it is officially reported, even the decisions of courts of first instance, published in various series in Pennsylvania, New York, Ohio, and some other States. The publishers undertake to draw a distinction between different classes of courts, in regard to their dignity, by putting in smaller type the decisions of those courts which are supposed to be subordinate, or intermediate; and in doing this they make several obvious mistakes. The decisions of the New York Appellate Division are thus relegated to *agate*, whereas the Court of Appeals of that State has but a limited appellate jurisdiction over the Appellate Division. The decisions of the Missouri Court of Appeals are printed in the same way, whereas the Supreme Court of Missouri has no appellate jurisdiction over that court, except in a few very special cases. This, however, is a matter of no great importance. If the adjudications of the courts continue to multiply and swell, as they are now doing, the publishers of this Digest will be obliged to reduce everything to *agate*, and to resort to three columns, and to print without leading, so that their books will look like that famous French series of reports called "*Dalloz*."

Two or three observations ought, in justice, to be made with reference to this Digest, to show its immeasurable superiority over any other attempt of the kind. In the first place, it consists of a double series, a preliminary series issued quarterly, which digests the decisions of all the courts in this country as fast as they are published in the unofficial reports, like the "*Reporter System*" of the West Publishing Company, and the "*Lawyers' Reports Annotated*," published by the publishers of this Digest. The second series consists of a permanent Digest in two volumes each year, which includes only decisions which have been officially reported. In this way, decisions which, after being reported in the unofficial reports, are set aside and rehearings granted, and which are changed on rehearing, or settled and dismissed by the consent of the parties, and in which the original opinions would therefore be misleading,—are not included. The publishers of this series, imitating the publishers of the

"American State Reports," have wisely determined not to present anything within its lids which is reported unofficially, until it has received the stamp of authenticity by being so reported. In this way practitioners and judges are saved from a good many pitfalls. Another feature of this Digest is that it not only cites, in every case, the volume and page of the official report, where the case is to be found in full, but it also cites every unofficial publication in which it is printed. This feature — and especially in so far as it cites the reporter system — is of great value to practitioners, many of whom have in their libraries the entire reporter system, but cannot afford the expense of all the official reports of the different courts in this country. A third device of great and increasing value is that of annotating many of the paragraphs. It is true that many of these annotations consist in a reference to the decisions in other jurisdictions, cited by the judge who writes the opinion. Many of them, on the other hand, are compiled from original sources. For example, on page 989, under the head of Liens, a decision in Arkansas is digested, to the effect that one who furnishes material for the improvement of land leased for a term of years, under a contract with the lessee, is entitled to a lien thereof on the leasehold estate.<sup>1</sup> Below this paragraph there is found in brackets, under the caption of "Creation of Liens by Tenant," a citation of no less than fifteen cases, all of them modern, some of them recent. This is not an unfair specimen of the extent to which this department of work on this volume has been carried. In fact, on page 1049-50, we find one group of citations filling the space of a whole column. This volume is supplemented by a table of cases digested, which, though indispensable in a text-book, is not of so much value in a digest. But, what is of prime value in a digest, it gives a table of cases criticised, distinguished, overruled, reversed, limited, etc. Many a pitfall would be saved if such special tables of cases were more frequently consulted than they are.

Great pains was taken by a rival publishing house to acquaint the profession with the fact that that house had succeeded in enjoining the Lawyers' Co-operative Publishing Company for a violation of their copyright, in their seventh volume, which covered the year 1892. Suit was instituted in the United States Circuit Court for the Western District of New York, and it was found as a fact that infringements had taken place in about three hundred and fifty paragraphs, and these were ordered to be excised, which was done. On an appeal to the United States Circuit Court of Appeals, for the Second Circuit, the court took the view that it was for the publishers to justify the use of every paragraph. In other words the order enjoined the publication of the book, except in so far as they could show that the paragraphs did not infringe the rights of the complainants. The fact was that one man, employed by the Lawyers' Co-operative Publishing Company, had made an unlawful use of the syllabi of the "National Reporter System," in about one thousand cases out of about eighteen thousand contained in the volume. This was wholly unknown to the publishers. The publishers of law books have not infrequently been put to embarrassment by the thefts of their authors, or more frequently of sub-authors employed by their authors — the publishers being wholly innocent. Such appears to have been the case here. To avoid this in future, the Lawyers' Co-operative Publishing Company adopted the plan of having a piece of blue paper pasted over

<sup>1</sup> *Meek v. Parker*, 63 Ark. 367; *s. c.* 38 S. W. Rep. 900.

**the syllabus, in every instance, before the case was sent to their digesters, so that they were compelled to make their own abstracts. In our judgment, the superior quality of the abstracts and the general uniformity of style which one discovers in them, which characterizes the new series of the General Digest, have been largely due to this practice. The eye of the digester is not allowed to wander, for a single moment, upon a syllabus prepared by someone else.**

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