

LAWYERS' REPORTS ANNOTATED, BOOK XLIX. — The Lawyers Reports Annotated. All Current Cases of General Value and Importance, With Full Annotation. BURDETT A. RICH, Editor, and HENRY P. FARNHAM, Asst. Rochester, N. Y.: The Lawyers' Co-operative Publishing Company. 1900.

These two horses could not be made to work side and side, the one is so much larger than the other: it will therefore be necessary to hitch them up tandem. The volumes of the American State Reports are issued at the rate of six volumes a year, and at the price of \$4.00 a volume. The volumes of the Lawyers' Reports Annotated are issued at the rate of four volumes a year, and at the price of \$5.00 a volume. In respect of their mechanical characteristics, the two publications differ essentially from each other, The American State Reports are in size like an ordinary law book, the body of the cases

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being printed in a type called by printers "long primer," and the notes in a type called "brevier." The mechanical execution of the American State Reports is fair; the books are not unpleasant to the imagination or taste; nor is the type hurtful to the eyes. This will be understood when we say that, according to some oculists, the type known as "brevier" is better adjusted to the greatest number of human eyes than type of any other size. On the other hand, the L. R. A. is printed in the form of royal or imperial octavo in double columns throughout. The body of the cases is set in brevier, the notes either in a small nonpareil or a large agate. The number of pages of a volume of the L. R. A. is over 900, all told. In the American State Reports the number of pages carried by each volume is something over a thousand. The amount of matter printed in the four volumes of the L. R. A. which issue annually, at the aggregate price of \$20.00, is greatly in excess of the amount of matter contained in the six volumes of the Am. St. Rep., which issue at \$24.00. The cases selected for publication in full in the Am. St. Rep. are drawn from the official reports of the State courts of last resort only. No Federal case is reported. No case of any kind is reported until it has appeared in the official series of State reports. On the other hand, the L. R. A. print Federal cases, as well as State cases. They do not always confine their selection of cases to courts of the first rank in the judicial galaxy. For example they might reprint from the Federal Reporter a decision of the United States Circuit Court of Appeals, and they might reprint a decision of the Indiana, or the Missouri, or the Texas Court of Appeals. In making their selections they look to the quality of the case, no less than to the rank of the court. With regard to the annotations of the cases furnished by these two series respectively, it must fairly be said that the annotations in both series are good. In fact, the notes appended to cases, both in the Am. St. Rep. and in the L. R. A. present high grade work. They deal with the latest decisions; they are thoroughly up-to-date; they are accurate and discriminating; they are very helpful to practitioners who must find their authorities and make their briefs quickly; and they are very satisfying to the judges. In this respect, both of these publications have received high praise, and both have amply deserved it. But with regard to the extent of the annotations and the size and number of the notes, the L. R. A. now greatly outrun the Am. St. Rep. It is not necessary to take a measuring stick or a tape line in order to prove this. Any one who places the two volumes before him side by side, and turns over their leaves, sees it at a glance.

Among the more or less extensive notes in the present volume of the Am. St. Rep., we notice one on the Republication of Revoked Wills;¹ another on the Liability for Negligence and Other Torts of Independent Contractors;² another on Adverse Possession of Public Property;³ another on Exemption from Service of Civil Process;⁴ another on Judgments Depending for Their Validity on an Attachment of Property.⁵

On the other hand, we notice in Vol. 49 of the L. R. A. extensive double-column, fine-type notes on the following subjects: Contributory Negligence in Entering or Remaining in an Employment;⁶ The Constitutionality of Discrim-

¹ Pp. 249-262.

² Pp. 382-428.

³ Pp. 479-493.

⁴ Pp. 531-518.

⁵ Pp. 800-803.

⁶ Pp. 3-61 (very elaborate note by O. B. Labatt).

Inaction Against Women in Police Regulations; ¹ Effect of Judgment Against a Dead Person; ² Rule as to the First and Last Days in Computation of Time; ³ Right to Set Up Judgment in Another Court by Amendment or Supplemental Complaint in Pending Action; ⁴ Conclusiveness of Decisions of Tribunals of Associations or Corporations; ⁵ Effect of Stipulation that Vendee or Mortgagor Shall, on Default, Become a Tenant; ⁶ Time for Which Contracts of Employment May be Made on Behalf of Corporation by Its Officers, Directors and Agents; ⁷ Revocability of License to Maintain a Burden on Land, after Licensee Has Incurred Expense in Creating the Burden; ⁸ Usury in Agreement for Interest After Maturity; ⁹ Blacklisting a Dealer as Libel; ¹⁰ Duty to Keep Gates in Railroad Fence Closed; ¹¹ Rights and Liabilities of the Assignee of a Bill of Lading with Draft Attached as Against the Consignee, who Does not Get the Goods or who Finds them Defective; ¹² Voluntarily Incurring Danger to Save Life of Another, as Contributory Negligence; ¹³ Power of Insured to Destroy Rights of Beneficiary; ¹⁴ Drainage of Private Lands as Public Purpose for which Power of Eminent Domain may be Exercised; ¹⁵ Obeying or Disobeying Physician as Affecting Remedy of Injured Person Against One who Injured Him. ¹⁶

We have inferred the names of the writers from the initials in every case where the name of the writer has been given by us. In the Am. St. Rep. neither the name nor the initials of the writer of any note is given; in the L. R. A. only the initials of the writers of the important notes are given. This is to be regretted. The reputation of authorship is a part of the hire of the laborer, and he is worthy of his hire. It is well known, in the case of the Am. St. Rep., that Mr. Freeman does not write all the notes; perhaps it is true that he writes an inconsiderable portion of them, — his principal exertions being expended upon the selection of the cases. In the case of the notes of the L. R. A., the initials added to the notes indicate that they are written by different persons, some of them by the editors of the series. The notes signed by C. B. L. which have been appearing for several years in the L. R. A. are known to be the work of Mr. C. B. Labatt, a very capable man who acquired his first training on the Am. St. Rep. under the strenuous tutelage of Mr. Freeman. It is to be observed that all of the notes written by Mr. Labatt and signed with his initials are on the subject of Master and Servant. We hope that his work on that subject, upon which he has been long engaged, will soon appear. We are curious to know who "F. H. B." is, and when his work on Negligence is to appear.

It is to be observed, both with respect to the notes in the Am. St. Rep. and

¹ Pp. 111-116 (by B. A. Rich, the chief editor of the L. R. A.).

² Pp. 153-175 (by I. T.).

³ Pp. 193-248 (by F. H. B.).

⁴ P. 285 (by Henry P. Farnham, asst. editor of the L. R. A.).

⁵ Pp. 333-401 (by G. H. P.).

⁶ Pp. 435-439 (by J. H. H.).

⁷ Pp. 471-474 (by J. H. H.).

⁸ Pp. 497-526 (by H. P. Farnham, asst. editor of the L. R. A.).

⁹ Pp. 550-558 (by H. P. Farnham, asst. editor of the L. R. A.).

¹⁰ Pp. 612-614 (by G. H. P.).

¹¹ Pp. 625-639 (novel and interesting note by F. H. B.).

¹² Pp. 679-683 (by J. H. H.).

¹³ Pp. 715-721 (very important note by F. H. B.).

¹⁴ Pp. 787-755 (very learned and interesting note by I. T.).

¹⁵ Pp. 781-787 (another piece of good work by Mr. Farnham).

¹⁶ Pp. 826-830 (another note by F. H. B.).

to those in the L. R. A., that they give us new groupings or new classifications, which we do not find in the digests or in the text-books. This is a feature of great value.

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