

of these and other books of the English law.

Of Reports.

For the Matter of 100 Years after the Courts of Justice of England were settled in Westminster hall, we find no regular Collection of printed cases Judicially Argued and Adjudged there, termed Reports. For anciently Judgements at the Common Law were Recorded with the Reasons and causes of such Judgements, and so the Best Law was during the whole Reign of Edward the first, and a great share of Edward the second. But this fashion ceased in Edward the third's Reign, when cases were the more and the practice of the Law was brought to its full stature and perfection. Hence arose the trouble of those grave Reporters of cases who from the Beginning of that Reign have supplied the Defects we meet with in the Records; and do not only afford us (as these do) the final Determination of the Judges in each case, but also the Summe rate Reasonings and Debates whereon such Judgement was founded and formed. These King Edward (in whose Reign the Law was greatly improved) took care to have a Relation of such cases transmitted to posterity by appointing salaries to four able and industrious Men probably chosen out of the best private Inns of Court, for an Encouragement to set them forth yearly: whose labours were therefore called the Year books, and terms, or Annals of the Law. This Method continued from the first Year of his Reign till the 12 of Henry 6, when Year books in 10 Volumes were published and recommended by the Judges to all Students and Professors of Law, as an Essential part of their Study. So these were afterwards added the cases Adjudged in the time of Edward the second collected by Serjeant Maynard out of several Ancient Manuscripts. These Undoubtedly give us the best History of the Judges of both Benches, setting forth their opinions in cases

of Intricacy, and by consequence good probable Arguments for Questing at the Learning and Accomplishments of that Man. For the More Effectual and Ready use of these Year books, there are several tables, and Other Manuall Generall, and his Episcopi.

Since which time, the Number of Reports are swollen to some scores and Daily increasing to that Degree, that One observes it would require a Waggon to Carry them. And the Many of these written with Great Learning and Judgement published by Judges of the Law, be of great Authority and use, yet there are among them flying furious Reports, under the borrowed Names of Great and Learned Men Deceased, Compared by Mr Bulstrode (Epist. Dod. to his Rep. 2) to the Fontenors of Edmund Daily rising and fighting each other, which do rather blench than enlighten Law suits. The Most Considerable writers of Reports are these following.

For Edward the first Lord Chief Justice of the Kings Bench, who is the clearest most judicious and Methodical Reporter. In his Books there are scarce found opinions obiter, or the sayings of a Judge upon a sudden Motion at the Bar, or in the hurry of an Affidavit down for Resolutions, which is too frequent among the Moderns. Tho, as the Bishop of Carlisle (Engl. Hist. Library part 3 Chap. 5) says, he was accused by King James the firsts Direction before his Majestie in the Privy Council, for having set down and published in his Reports, many Exorbitant and Extraneous Opinions for positive and good Law.

For George Brooke one of the Justices in the Kings Bench in the Reign of Charles the first. An English Lawyer whose Reports, Arguments, and Opinions were published by James Byer Chief Justice of the Common Pleas in the Beginning of 1600. He wrote the Reports of cases in the Reigns of St. Hen. 8. Ed. 6. and Elizabeth the first. He was a great Lawyer and had his last Day 24 March 1581. Edmund Plowden Serjeant at Law, who practised Physick some Years before he engaged in the Law. Of whom an able Judge (Bentons Annual. An. Eliz. 2. Annum 1584) gives this Character. At

Vertical marginal notes on the left side of page 31, containing references to various legal sources and authors.