

Fall 1995

The Reports of the Supreme Court of Pennsylvania

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The history of court reporting in Pennsylvania dates from the early days of the Republic and the establishment of Pennsylvania as a Commonwealth. Mr. Fishman helps to document that history by reviewing the publication of the reports of the Supreme Court of Pennsylvania from the early nominative reports of the mid-eighteenth century to the present. A bibliography is appended.

Introduction

All states have traditionally published the reports of their highest and intermediate appellate courts.¹ Many lawyers and judges throughout the nation, some of whom subsequently rose to great fame, established or enhanced their reputations by serving as state reporters. Throughout the nineteenth century the development of court reports received attention from the legal community through reviews in many of the leading periodicals of the day. As court reports became more commonplace, however, the review of these reports lessened. By 1900 few individual state reports were reviewed in the periodical literature. Reports were no longer cited by the named reporter (although listed on the spine of the book), but became just a numbered series.

Today, little is still known about the publication of these early state court reports. At best, most libraries may have various mixed editions of these older reports on their shelves. And for reports of the last half-century, there are no reviews, no evidence that they are complete and satisfactory, except for a tenuous supposition based merely on the fact that the judges and reporter of the court generally work closely with the publisher. Many states no longer even

* © Joel Fishman, 1995. This is a revised version of a winning entry in the 1995 AALL Call for Papers competition. It is the second article in a planned history of legal literature in Pennsylvania; see Joel Fishman, *The History of Statutory Compilations in Pennsylvania*, 86 LAW LIBR. J. 559 (1994) [hereinafter Fishman, *Statutory Compilations*]. For a bibliography of legal treatises, see JOEL FISHMAN, *BIBLIOGRAPHY OF PENNSYLVANIA LAW: SECONDARY SOURCES* (1993) [hereinafter FISHMAN, *BIBLIOGRAPHY*].

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1. For a listing of state court publications, see MORRIS L. COHEN ET AL., *HOW TO FIND THE LAW* app. B at 614-62 (9th ed. 1990).

publish their official court reports, relying instead on the versions published in the National Reporter System produced by the West Publishing Company.²

As judges and lawyers focus on recent legal developments through court cases, older court cases are cited less and less. One need only look at the citation lists of the older reports in a state Shepard's citator to see how few times some older volumes are cited. With the increasing reliance on computerized research—including not only online services such as LEXIS and WESTLAW but also the growing number of CD-ROM products—older sets of books are discarded by today's cost-conscious attorney/law firm/judge to solve space problems. What they fail to realize, however, is that many older sets are not available in online databases or CD-ROM products.

Pennsylvania is a prime example of the declining interest in older court reports. The Commonwealth Court recently issued a court order terminating its own official set after 168 volumes without explanation.³ The courts themselves seem to have little interest in preserving their own history.⁴ This is in spite of the fact that court reporting in Pennsylvania has a long history dating back to the early days of the Republic and the establishment of Pennsylvania as a Commonwealth. Some illustrious members of the Philadelphia bar served as court reporters from the late eighteenth to the early twentieth centuries.

The tide may have turned, however. In recent years legal historians have begun to examine the history of court reporting and court reports.⁵ And developments in state constitutional law may force lawyers to turn to older sources more often than they have done in the recent past.⁶ Thus, this article on the history of the reports of the Supreme Court of Pennsylvania not only fills a neglected gap in the historical chronicle of legal publishing by preserving the bibliographical record of this work, but it also aids those with current

2. *Id.* at 46–49.

3. 25 Pa. B. 2595 (July 1, 1995); 168 Pa. Commw. [v] (1995).

4. I offered to prepare a bibliography of the official reports of the Pennsylvania Superior Court to help the court celebrate its centennial (1895–1995). The President Judge declined the offer.

5. See, e.g., Morris L. Cohen & Sharon Hamby, *A Bibliography of the Early Reports of the Supreme Court of the United States*, 1 LEGAL REFERENCE SERVICES Q. 43 (1981); MORRIS L. COHEN & SHARON HAMBY O'CONNOR, *A GUIDE TO THE EARLY REPORTS OF THE SUPREME COURT OF THE UNITED STATES* (1995) [hereinafter COHEN & O'CONNOR, GUIDE]; Gerald T. Dunne, *Early Court Reporters*, 1976 SUP. CT. HIST. SOC'Y Y. B. 61 (1976); Craig Joyce, *The Rise of the Supreme Court Reporter: An Institutional Perspective on Marshall Court Ascendancy*, 83 MICH. L. REV. 1291 (1985); Craig Joyce, *Wheaton vs. Peters: The Untold Story of the Early Reporters*, 1985 SUP. CT. HIST. SOC'Y Y. B. 35 (1985); Wilfred J. Ritz, *The Francis Hopkinson Law Reports*, 74 LAW LIBR. J. 298 (1981); ERWIN C. SURRENCY, *A HISTORY OF AMERICAN LAW PUBLISHING* 37–72 (1990).

6. Independent state constitutional analysis is a growing field. The Pennsylvania Supreme Court recently listed four factors that "litigants [must] brief and analyze" in any case involving an interpretation of the Pennsylvania constitution: "1) text of the Pennsylvania constitutional provision; 2) history of the provision, including Pennsylvania case-law; 3) related case-law from other states; 4) policy considerations. . . ." *Commonwealth v. Edmunds*, 586 A.2d 887, 895 (Pa. 1991) (emphasis added); see Ken Gormley, *The Pennsylvania Constitution After Edmunds*, 3 WIDENER J. PUB. L. 55 (1993).

research needs. On a more personal note, I hope that it will also rescue from obscurity the authors of these volumes, help to determine how and why they published their works, and encourage others—historians, librarians, and bibliographers—to compile similar works for their own states.

It is the aim of this article to review the history of the publication of the reports of the Supreme Court of Pennsylvania.⁷ These consist of three collections of reports: (1) early nominative reports of *Pennsylvania Reports* that contain cases from 1754 to 1845 (sixty volumes); (2) the *Pennsylvania State Reports* that began in 1845 and are still published today (five hundred-plus volumes to date); and (3) the *Miscellaneous State Reports* consisting of five sets of reports that were published coinciding with the *State Reports* because of a limitation upon state law⁸ (twenty-one volumes). A bibliography of the first editions of the nominative and miscellaneous reports is appended.

Pennsylvania Nominative Reports

Dallas (1754–1806)

The nominative reports published in the first decades after 1776 were usually compiled by individual lawyers or judges as a commercial enterprise.⁹ Following the publication of Francis Hopkinson's *Judgments in Admiralty Court in Pennsylvania* and Ephraim Kirby's *Reports Adjudged in the Superior Court of the State of Connecticut* in 1789,¹⁰ Alexander James Dallas commenced publication of his *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania Before and Since the Revolution*, in 1790.¹¹ This report was only the second title of state court reports published in the United States. Dallas,¹² who was only thirty-one years old when he first compiled the reports, gained instant success in Philadelphia.

Dallas dedicated the first volume of his *Reports* "to the Honorable Thomas

7. For earlier attempts at this task, see JOHN HILL MARTIN, *THE BENCH AND BAR OF PHILADELPHIA* (1883); Luther E. Hewitt, *Some Remarks on the Pennsylvania Side Reports*, 6 LAW LIBR. J. 5 (1913).

8. See *infra* text accompanying notes 91–97.

9. COHEN & O'CONNOR, *GUIDE*, *supra* note 5, at 1–8; SURRENCY, *supra* note 5, at 41.

10. Surrency believes that the controversy over which came first "is still unresolved." See SURRENCY *supra* note 5, at 40; Ritz, however, argues convincingly that Hopkinson preceded Day. See Ritz, *supra* note 5, at 299.

11. The title page of the first volume in the series stated that it was "printed, for the Reporter, by T. Bradford." Thomas Bradford was a member of the Bradford family that began publishing in Pennsylvania in the 1690s.

12. Alexander Dallas was born in Jamaica June 21, 1759, and died July 16, 1817. His father was an eminent and wealthy physician from Scotland. He received his elementary education in Edinburgh and attended Westminster School, returning to Philadelphia in 1783. He took his oath of allegiance to the State of Pennsylvania on June 17, 1785, was admitted to the Pennsylvania Supreme Court on August 3, 1785, and afterwards to the United States Courts. He was appointed Secretary of the Commonwealth on January 18, 1791, and recommissioned in September 1793, December 1796, and in 1799. In March 1801, he was appointed U. S. Attorney for the Eastern

M'Kean, Esquire, L.L.D., Chief Justice of the State of Pennsylvania, Etc., Etc.," declaring his respect and esteem for the justice.¹³ Dallas performed the work of a reporter through the "wish of some friends" and through the assistance of the members of the bench and bar. Chief Justice M'Kean and Edward Shippen gave him access to their notes to transcribe and William Rawle furnished notes that predated 1787.¹⁴ Requesting forbearance for any defects or inaccuracies, Dallas "anticipated with pleasure, that, as a consequence of such encouragement and indulgence, some one, more able, will be tempted to follow my lead, and render an essential service to his country, by preserving the principles on which the future judgments of our Courts are founded."¹⁵ He hoped students would use the reports, as well as referees for whom "a very great share of the administration of justice is entrusted." But complete gratification would not occur "unless these Reports, likewise, tend to shew the pure and uniform system of jurisprudence that prevails in Pennsylvania; of which, however, the best evidence is her flourishing condition at home, and her respectable character abroad."¹⁶ If his work was well received, he hoped to produce another volume for which he already had the material in his possession.

The first volume, entitled *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania, Before and Since the Revolution*, consisted of cases heard in the Supreme Court of Pennsylvania, the Council of Censors, and the Philadelphia county courts from 1754 to 1789. The Pennsylvania Supreme Court dated from 1722, when it was first established by legislative act.¹⁷ (Prior to this enactment, the Governor's Council, beginning in 1684, had acted as an appeals court from decisions of the justice of the peace.) The Council of Censors, established in the Pennsylvania Constitution of 1776,¹⁸ served as the executive branch of the government until it was abolished in the revised

through November 1816 and Secretary of War between March 13, 1815, and November 1816. His son George Dallas became Vice-President of the United States and later Minister to England. A second son, Trevanion Dallas, became a judge of the District Court of Allegheny County. 5 *DICTIONARY OF AMERICAN BIOGRAPHY* 36-38 (1937); RAY WALTERS, *ALEXANDER JAMES DALLAS: LAWYER, POLITICIAN, FINANCIER, 1759-1817* (1943); Dunne, *supra* note 5, at 62-63; 3 FRANK EASTMAN, *COURTS AND LAWYERS IN PENNSYLVANIA 1632-1922*, at 837-38 (1922).

13. 1 U.S. (1 Dall.) iii (1790).

14. MARTIN, *supra* note 7, at 191, lists this work as *Manuscript Notes and Reports Argued and Tried in Pennsylvania; Between the Years 1760 and 1783*.

15. *Id.* at [v].

16. *Id.* at iv.

17. Act of May 22, 1722, 1 SMITH'S LAWS 131-45 (1810).

18. PA. CONST. of 1776, § 46. For recent articles reviewing the history of this period, see Robert F. Williams, *The State Constitutions of the Founding Decade: Pennsylvania's Radical 1776 Constitution and Its Influence on American Constitutionalism*, 62 *TEMPLE L. REV.* 541 (1989); Robert F. Williams, *A Row of Shadows: Pennsylvania's Misguided Lockstep Approach to Its State Constitutional Equality Statute*, 3 *WIDENER J. PUB. L.* 343, 343-45 (1993); for discussion of the

Constitution of 1790 that established a governor and two-house legislature similar to the federal constitution.¹⁹ Surrency observes that the “‘opinions’ are more in the nature of statements of legal principles rather than opinions as the term is generally understood. It is difficult to describe the opinions in these volumes, as some resemble a dialogue between the court and counsel including the legal arguments of both parties.”²⁰

The expanded coverage of the second volume of reports produced by Dallas (in 1798) is indicated by its title: *Reports of Cases Ruled and Adjudged in the Several Courts of the United States and of Pennsylvania, Held at the Seat of the Federal Government*. By enlarging the scope of the work to include the United States Supreme Court, the Pennsylvania Supreme Court, and Philadelphia Common Pleas Court, Dallas was acknowledging the importance of the high court and Pennsylvania courts. Volumes three and four continued to include reports from the three courts; the former covered cases from 1794 to 1799,²¹ while the latter volume covered only 1799 to 1800 and thus contained a smaller number of cases. The fourth volume differed from the previous three by its inclusion at the end of two cases from the Delaware Court of Errors and Appeals a 1760 appellate decision from New Hampshire and a 1797 case from the Mayor’s Court of Philadelphia.

Because Dallas’s *Reports* contain United States Supreme Court cases, they continue in use even today. At the time of their publication, Lord Mansfield of England judged them positively: “They do credit to the Court, the Bar, and the Reporter; they show readiness in practice, liberality in principle, strong reason and legal learning; the method, too, is clear, and the language plain.”²² Dallas’ first volume was similar to Kirby’s [Connecticut] *Reports* in including a lengthy subject-matter index and a brief abstract before each case, but Dallas also added an index to the cases reported and an index of cases cited in the opinions. However, the work of Dallas has not escaped unscathed. He has been criticized for slowness in publishing volumes two through four when no other formal sources of reports of the highest court in the country were available. Also, the number of cases reported were not the total number of cases heard and decided by the court. Cohen and O’Connor report: “His difficulties were undoubtedly due in part to the Justices’ failures to submit written opinions in

Council of Censors, see Matthew J. Herrington, *Popular Sovereignty in Pennsylvania, 1776–1781*, 67 TEMPLE L. REV. 575, 589–92 (1994).

19. PA. CONST. of 1790, art. I (legislature); art. II (governor).

20. SURRENCY, *supra* note 5, at 41.

21. *Reports of Cases Ruled and Adjudged in the Several Courts of the United States, and of Pennsylvania, Held at the Seat of Government*. This third volume was published by J. Ormond of Philadelphia.

22. 1 U.S. (Dall.) iv (Thomas I. Wharton ed., 3d ed. 1830); also cited in J. G. MARVIN, LEGAL BIBLIOGRAPHY, OR A THESAURUS OF AMERICAN, ENGLISH, IRISH AND SCOTTISH LAW BOOKS 249 (Philadelphia, T. & J. W. Johnson, 1847).

most cases. J.C. Bancroft, a later reporter of the Supreme Court, indicated that Dallas had 'probably published all the opinions that were filed.' Estimates of the number of cases unreported by Dallas have risen over the years. The latest estimate, from Maeva Marcus, the editor of *The Documentary History of the Supreme Court of the United States, 1879-1800*, is that Dallas may have failed to report as many as a third of the decisions rendered during the period of his reports."²³ Cohen and O'Connor contend that "Dallas' Reports were probably the least reliable [of the seven nominative reporter series that comprise volumes 1-90 of the reports of the Supreme Court of the United States], and he did not achieve the quality of either Kirby's reporting in Connecticut or the best of the contemporary English reporters."²⁴

The reports were annotated in additional editions by two of the leading lawyer-scholars of the Philadelphia bar. The second edition of volume 1 appears to have been prepared by Dallas himself (no other names appear on the title pages of the three volumes) and was published in 1806, while Thomas I. Wharton²⁵ prepared a third edition in 1830.

Wharton's task, as he saw it, "was, simply, to rectify such inaccuracies as appeared in the text, and to supply the references to the later decisions in this state. It will be seen that in some instances I have ventured beyond this humble labour, and endeavoured to reconcile some conflicting decisions in this and other volumes of our reports, and to elucidate some that appear obscure."²⁶ Using manuscript notes of Chief Justice Edward Shippen, he worked "to correct or explain some few cases which have not been perfectly understood by the profession."²⁷ He also acknowledged the assistance provided by William Rawle's manuscript collection of cases.²⁸

Benjamin Gerhard²⁹ prepared a second edition of volume four in 1835.

23. COHEN & O'CONNOR, GUIDE, *supra* note 5, at 3-4 (citations omitted). For a recent account of one of these unreported cases, see Frederick C. Leiner, *Anatomy of a Prize Case: Dollars, Side-Deals, and Les Deux Anges*, 39 AM. J. LEGAL HIST. 214 (1995).

24. COHEN & O'CONNOR, GUIDE, *supra* note 5, at 3.

25. For biographical information about Wharton, see *infra* note 77. His third edition was published by Philip Nicklin and Thomas Johnson.

26. 1 U.S. (Dall.) [iii] (3d ed. 1830).

27. *Id.*

28. Wharton stated of Rawle: "At the distance of forty years from that period, having derived information and assistance from the same collection, I am unwilling to close this notice without adding my own tribute of acknowledgments to the same eminent and estimable gentleman; who after nearly a half century of forensic labour and distinction, now enjoys, in the reverence of his professional brethren, and the universal respect of his fellow-citizens, the abundant harvest of an honorable and well-spent life." *Id.* at iv.

29. Benjamin Gerhard, who was born in 1812 and died June 18, 1864, was John Sergeant's son-in-law. He was graduated from Dickinson College in 1828, studied law under Joseph K. Ingersoll, and was admitted to the Philadelphia bar on June 9, 1832. He held positions as a member of the Philadelphia City Council, trustee of the University of Pennsylvania, member of the American Philosophical and Historical Societies, Vice President of the Law Academy of Philadelphia from 1840 through 1858, and superintendent of the draft in Philadelphia during the early Civil War. He

Frederick C. Brightly³⁰ prepared a fourth edition in 1882. In addition to volume one in 1882, Brightly provided for a fourth edition of volume one, second edition of volumes two and three, and a third edition of volume four.³¹ Brightly's edition was reprinted down to 1923 by Banks Law Publishing Company, but the number of printings and dates of each volume are not exactly the same. Perhaps a run was sold off and additional volumes needed to be printed and so the date of the publication appears on the title page, but the copyright is still cited as the 1882 edition.³²

Yeates (1791–1808)

Jasper Yeates,³³ a leading lawyer in Lancaster and Philadelphia before he succeeded to the high court, compiled the second set of reports, but these were published posthumously. The four volumes covered the period from 1791 to

was the editor of Thomas Starkie's *A Practical Treatise on the Law of Evidence* (5th–7th Am. eds., 1834–1842), Joshua Williams' *Principles of the Law of Personal Property* (2d Am. ed., 1855), and the seventh volume of *Reports of Cases Argued and Determined in the English Ecclesiastical Courts* (7 vols., 1831–45). 2 JOHN THOMAS SCHARF, *HISTORY OF PHILADELPHIA* 1536 (1884); MARTIN, *supra* note 7, at 271.

30. Frederick C. Brightly was born in England on August 26, 1812, and died January 24, 1888. He came to the United States in 1821 and was admitted to practice in the Philadelphia bar in 1839. He enjoyed a distinguished career as a practitioner and author. He was considered one of the best-informed men of the day on intricate questions of law. His library consisted of over five thousand volumes. He was the editor of the *Nisi Prius Reports*, *The Law of Costs*, and editor of the eighth through eleventh editions of *Purdon's Digest of Pennsylvania Law*. 3 *DICTIONARY OF NATIONAL BIOGRAPHY* 347 (1937). See also Fishman, *Statutory Compilations*, *supra* note *, at 572–75.
31. The publisher for the second and third editions was P. H. Nicklin and T. Johnson. Philip Nicklin (1786–1842) was graduated from Princeton in 1804, and was a bookseller in Baltimore in 1809. He moved to Philadelphia in 1814 and published until his death. Trustee at the University of Pennsylvania, he authored several works under the pen name "Peregrine Prolix." Later, he joined with Topliff Johnson to form the company of Nicklin & Johnson, which published several local court reports, including *Wharton's Reports*, which covered Pennsylvania Supreme Court cases. Nicklin retired in 1839, leaving Johnson to form his own company with his brother, J. Warner Johnson. 4 *NATIONAL CYCLOPAEDIA OF AMERICAN BIOGRAPHY* 346 (1967); SURRENCY, *supra* note 5, at 220; 1 JOHN TEBBEL, *A HISTORY OF BOOK PUBLISHING IN THE UNITED STATES* 385 (1972).
32. COHEN & O'CONNOR, *GUIDE*, *supra* note 5, at 117–24. Since nothing is added to the original text, I question Professors Cohen and O'Connor's categorization of them as "later editions" rather than calling them reprints.
33. Jasper Yeates, son of John and Elizabeth (Sidebottom) Yeates, was born in Philadelphia on April 17, 1745, and died March 14, 1817. At the College of Philadelphia, he earned a B.A. in 1761 and an A.M. He studied law under Edward Shippen and was admitted to the Philadelphia bar on May 8, 1765, and the Lancaster bar in 1765. He married Sarah, the daughter of Col. James and Sarah (Shippen) Burd. He held positions as chairman of the Lancaster County Committee of Correspondence in 1775, delegate to the Pennsylvania convention that ratified the U.S. Constitution in 1787, Associate Justice of the Pennsylvania Supreme Court in 1791, and was appointed by President Washington to a three-member commission formed to investigate the Whiskey Rebellion in Pittsburgh in 1794. He was impeached by the Pennsylvania Senate in 1805, but was acquitted. 20 *DICTIONARY OF AMERICAN BIOGRAPHY* 606 (1937); Benjamin C. Atlee, *Jasper Yeates*, 5 *GREEN BAG* 393–97 (1893). William Henry Egle, *The Federal Constitution of 1787: Sketches of the Members of the Pennsylvania Constitution*, 11 *PA. MAG. HIST. & BIOG.* 449–500 (1887).

1808. The editor, Charles Smith,³⁴ who was his son-in-law, stated in an advertisement that the

...Reports are faithfully printed from the manuscript of the learned and venerable Author. He had prepared them for the press, and had completed the Index and Marginal Notes, which has enabled the Publisher, to whom he bequeathed them, to give them to the profession without delay. It is presumed they will be considered as a valuable acquisition to the library of the Lawyer. The industry and abilities, as well as the accuracy and fidelity of the Author, were well known to the gentlemen of the bar, by whom he had the happiness to be highly esteemed.³⁵

The reports connect from Dallas's *Reports* to the beginning of Binney's *Reports*. Some cases in the first volume are also reported in volumes two and four of Dallas's *Reports*, "but it is only in such cases in which the Reports appeared to be more full and satisfactory."³⁶ Yeates

faithfully reported the several decisions in the Supreme Court, since I came on the bench in April 1791. Mr. Binney having begun to publish his reports, chiefly of cases in the Eastern District, I do not feel the same necessity of reporting the resolutions in that district, as formerly appeared to me. But I shall proceed in reporting the decisions in the other districts, while I have leisure in doing.³⁷

On the other hand, Judge Duncan commented upon Yeates' *Reports* that

Chief Justice Tilghman told me to day that it was a pity these reports were ever published. They were loose notes. April 16th, 1821. So said judge Duncan, 7th July 1821 (on looking at the preceding entry.) Mr. Lewis said, on hearing that they were to be published, "that they would unsettle the law." (MS. entry on the fly-leaf of Mr. E. D. Ingraham's copy of Yeates.)³⁸

One reviewer commented that "[t]hose who knew the patient and laborious character of this magistrate, and who expected to find in these volumes, a

34. Charles Smith was born March 4, 1765, and died April 18, 1836. He studied law with his older brother, William Moore Smith, at Easton and was admitted to the Philadelphia bar in June 1786. He was a delegate to the Pennsylvania Constitutional Convention in 1790, a member of the Pennsylvania House of Representatives from 1806 through 1808, and a member of the Pennsylvania Senate in 1816. He was appointed President Judge of the Ninth District (Cumberland, Franklin, and Adams counties) from March 27, 1819, through April 27, 1820. He was then commissioned President Judge of the District Court of the City and County of Lancaster on April 28, 1820. He was the editor of *Laws of Pennsylvania* (1810-1812). *Descendants of the Reverend William Smith, D.D.*, 4 PA. MAG. HIST. & BIOG. 373, 380-81 (1880); Gregory B. Keen, *The Descendants of Joran Kyn, the Founder of Upland*, 7 PA. MAG. HIST. & BIOG. 200, 203-04 (1883); 3 EASTMAN, *supra* note 12, at 650-51.

35. 1 Yeates [iii] (1817). Smith also edited a collection of the Pennsylvania laws that has come to be known as *Smith's Laws*. See FISHMAN, BIBLIOGRAPHY, *supra* note *, at 5.

36. 1 Yeates [iii] (1817).

37. 4 Yeates 578 (1819). In a succeeding note, the editor (name unknown) states that most of the cases in the author's manuscript were reported in the first and second volumes of *Binney's Reports*, but cases not reported are presented here. All the subsequent cases, one of little importance excepted, having already been published, "it becomes expedient to close these reports with the September Term of the Western District 1808."

38. 4 PA. L.J. 478 (1845).

statement of facts minutely accurate, a careful and scrupulous condensation of the arguments of counsel, and a faithful transcript of the decisions of the bench, have not been disappointed.”³⁹

Binney (1808–1814)

Horace Binney compiled the third set of state reports. He was a leader of the “Old Bar of Philadelphia” and most prominent attorney in Philadelphia for fifty years.⁴⁰ Binney’s *Reports* covered cases from 1799 to 1814. In the preface to the first volume he apologized for the cases being “of rather a remote date,” but he had collected the cases without thought of publishing them until recently, when his friends urged him to publish them. He thanked Chief Justice Tilghman, and the other judges, for aiding him in the compiling of the reports. He completed the introduction with an apology to the bar for misstatements, or lack of accuracy.⁴¹

Binney’s *Reports* were long recognized for this high quality. In 1842, one reviewer lamented the failure of a second edition.⁴² In an obituary on his life, William Strong, Associate Justice of the United States Supreme Court, gave high praise to Binney as a court reporter:

[He] gave irrefragable proofs of his ability to comprehend legal arguments, and to restate them with clearness in a condensed form. His analysis of the facts upon which judgments were rendered, was rigid and accurate, and his head notes expressed exactly what the court decided. No complaints have ever been made that his syllabus was not sustained by the case. When the reports came from his hands they left nothing to be desired. They must always be regarded as the work of an accomplished lawyer. It is not an easy matter

39. Book Review, 1 J. JURISPRUDENCE 415 (1821).

40. Horace Binney was born on January 4, 1780, and died on August 12, 1875. He was graduated from Harvard College in 1797, studied law in the office of Jared Ingersoll, and was admitted to the Philadelphia bar on March 31, 1800, and to the Pennsylvania Supreme Court in March 1802. He was elected a member of the Pennsylvania House of Representatives in 1806 and 1807. He became director of the first Bank of the United States in 1808, President of the Philadelphia Common Council from 1810 through 1812, and was a member of the Philadelphia Select Council from 1816 through 1819. He declined the seat on the Pennsylvania Supreme Court offered to him by Governor Wolf in 1830. As an anti-Jacksonian, he served as a member of the House of Representatives in the Twenty-third Congress, from March 4, 1833, through March 3, 1835. He then retired from practice except for writing opinions and participating in the Girard Will case in 1844. He also declined an appointment to the U.S. Supreme Court offered by President Tyler in 1844 upon the death of Associate Justice Henry Baldwin. He authored eulogies on William Tilghman in 1827, John Marshall in 1835, and Bushrod Washington in 1858; *The Leaders of the Old Bar of Philadelphia* (1859); *An Inquiry into the Formation of Washington’s Farewell Address* (1859); *The Privileges of the Writ of Habeas Corpus Under the Constitution* (1862). 2 DICTIONARY OF AMERICAN BIOGRAPHY 280–82 (1937); 2 EASTMAN, *supra* note 12, at 487–94; 27 LEGAL INTELLIGENCER 46–47 (1870); BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS 1774–1989, at 623 (Bicentennial Ed., 1989) [hereinafter BIOGRAPHICAL DIRECTORY]; MARTIN, *supra* note 7, at 113, 123.

41. 1 Binn. viii (1891 ed.).

42. Book Review, 2 PA. L.J. 70 (1842). “There have been few more able Reporters than Binney. It is now all but thirty years since his last volume was published and his masterly analysis of the cases decided by Tilghman, Yeates, Smith, and Brackenridge, illustrated by the arguments of the ablest lawyers in the land, have scarcely yet found their way to a second edition!”

to report well, and it is very rare that any reporter gives full satisfaction to the court and to the bar. The art requires not merely fairness, accuracy, and ability to comprehend what was argued and decided—it requires all that and more. It demands ability to gather from the mass of fact in the record those that really constitute the case, and to state them lucidly, omitting all that are not material, and overlooking none that are. It demands also power to extract from the opinion of the court the legal principles adjudged to be applicable to the facts, and to restate them in short, and with perfect accuracy. By the universal judgment of the profession, such a reporter was Mr. Binney.⁴³

The reports were eventually reprinted in a second edition in 1878 and a third in 1891⁴⁴ under the editorship of J. Levering Jones⁴⁵ and Thomas I. Wharton, respectively.⁴⁶ In his advertisement, Levering recognized that an editor's job was "to make additions—annotations and digesting—but he cannot attempt to remodel or transform." They corrected only errors listed by Binney in his errata, and some slight changes in the typography and arrangement of the syllabi. The notes include decisions down to volumes 85 (1877) and 127 (1889) of the *Pennsylvania State Reports* in the second and third editions, respectively. They did, however, remove counsel's notes.⁴⁷

A significant publication found within volume 3 of the *Reports* was the *Report of the Judges*, since it served as the basis of the judicial recognition of English statutory law accepted into Pennsylvania after the Revolution.⁴⁸ Sam-

43. William Strong, *Discourse Illustrative of the Life and Character of Hon. Horace Binney*, reprinted in THE LAW ASSOCIATION OF PHILADELPHIA: ADDRESSES DELIVERED MARCH 13, 1902 AND PAPERS PREPARED OR REPUBLISHED TO COMMEMORATE THE CENTENNIAL CELEBRATION OF THE LAW ASSOCIATION OF PHILADELPHIA, PENNSYLVANIA, at 215–16 (1906); for further biographical information on Binney, see Obituary Notice, 10 AM. L. REV. 176–78 (1876).

44. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania. By Horace Binney. With References to Cases in the Subsequent Reports, by J. Levering Jones & Thomas I. Wharton, Esqs., of the Philadelphia Bar.* Philadelphia: Kay and Brother, Law Booksellers, Publishers, and Importers, 1891. The second edition brought cases down to 1877 and the third down to 1889 (12 Crumrine). 1 Binney vi (1891). The advertisement states that the editor of the present edition "has . . . preserved with jealous care the text of the admirable and unsurpassed Reports of Mr. Binney, just as his hands received from the printer; correcting only the errors indicated by his errata, and making some slight changes in the typography and arrangement of the syllabi. The notes to each case represent the different principle difference between this and the original edition." The editor, however, removed the citations made from *Binney's Reports* by counsel. "They lack any definite value, occupy space, and embarrass investigation."

45. Jones was admitted to the Philadelphia bar, October 3, 1874. MARTIN, *supra* note 7, at 282.

46. Wharton was admitted to the Philadelphia bar, July 15, 1882. MARTIN, *supra* note 7, at 323.

47. 1 Binn. v-vi (3d ed. 1891). Volume 85 was 4 Norris and volume 127 was 12 Crumrine. "They lack any definite value, occupy space, and embarrass investigation. The notes are, with a few exceptions, necessarily brief. As far as possible the aim has been to make the distinctive expressions contained in them indicators by which to gauge at a glance, to some extent, the value and importance given at the present to each decision in Binney's Reports."

48. 1 Binn. 593 (3d ed. 1891). The report was issued in response to an act of the Pennsylvania General Assembly in which the judges of the Supreme Court were requested to determine "which of the English statutes are in force in this Commonwealth, and which of those statutes in their opinion ought to be incorporated in the statute laws of this Commonwealth." *Id.* at 594. For a full discussion of the reception of English law into each of the states and territories following the Revolution, see ELIZABETH G. BROWN, *BRITISH STATUTES IN AMERICAN LAW 1776–1836* (1964). In Part III she lists all specific British statutes and their treatment by the courts and legislatures.

uel Roberts, president judge of the fifth judicial district (Allegheny County) expanded the report into a full-length book, *A Digest of Select British Statutes* (1817) that was republished in a second edition by Robert Wright in 1847.⁴⁹

Sergeant & Rawle (1814–1828)

It took four years before another volume of reports was published. Thomas Sergeant⁵⁰ and William Rawle, Jr., began publication of the fourth set of *Reports*, which when completed covered cases from 1814 to 1828, in 1818. Sergeant was a judge of the District Court of Philadelphia when he began compiling the seventeen volumes of reports. Rawle was the son of one of the most respected lawyers of his day and himself the father of another well-known son by the same name.⁵¹

In the preface to the first volume of *Sergeant & Rawle's Reports*, the compilers state that it "was generally understood that he [Binney] would be

49. SAMUEL ROBERTS, A DIGEST OF SELECT BRITISH STATUTES, COMPRISING THOSE WHICH ACCORDING TO THE REPORT OF THE JUDGES OF THE SUPREME COURT MADE TO THE LEGISLATURE, APPEAR TO BE IN FORCE IN PENNSYLVANIA, WITH SOME OTHERS, WITH NOTES AND ILLUSTRATION (Pittsburgh, Robert Ferguson & Co., 1817).

SAMUEL ROBERTS, A DIGEST OF SELECT BRITISH STATUTES, COMPRISING THOSE WHICH, ACCORDING TO THE REPORT OF THE JUDGES OF THE SUPREME COURT MADE TO THE LEGISLATURE, APPEAR TO BE IN FORCE IN PENNSYLVANIA, WITH SOME OTHERS, WITH NOTES AND ILLUSTRATIONS. "With additional notes and references to English and American decisions, giving construction to these statutes, down to the present time; and also the Report made by the judges of the Supreme Court to the Legislature, by Robert E. Wright, Esq., Counsellor at Law, of Allentown, Pa." 2d ed. (Philadelphia, J. Kay Jun. & Brother; Pittsburg: C. H. Kay, 1847).

50. Thomas Sergeant was born January 14, 1782, and died May 5, 1860. The son of Jonathan Dickinson Sergeant, he was graduated from Princeton in 1798, studied law in the office of Jared Ingersoll, and was admitted to the bar on June 8, 1802. Gov. McKean appointed him to the office of clerk of the Mayor's Court of Philadelphia. He later married the granddaughter of Benjamin Franklin. He served as a representative of Pennsylvania in Congress from 1812 through 1814, as associate justice of the district court of Philadelphia from 1814 through 1816, as secretary of the Commonwealth from 1817 through 1818, as attorney-general from 1819 through 1820, as postmaster of Philadelphia from 1828 through 1832, and as associate justice of the Supreme Court from 1834 through 1846. He served as the second provost of the Law Academy of Philadelphia from 1844 through 1855, as trustee of the University of Pennsylvania from 1842 through 1854, as president of the Historical Society of Pennsylvania, and as a member of the American Philosophical Society and New England Historical Society. He laid the groundwork for the establishment of the State Law Library in Harrisburg. Among his publications were seventeen volumes of *Pennsylvania State Reports* (1814–1829) co-authored with William Rawle, Jr., two editions of *Treatise upon the Law of Pennsylvania Relative to the Proceeding by Foreign Attachment* (1811 and 1840); a historical treatise on Pennsylvania land law titled *Views on the Land Laws of Pennsylvania* (1838); two editions of the treatise *Constitutional Law* (1822 and 1830); and *Sketch of the National Judiciary Powers Exercised in the United States Prior to the Adoption of the Present Federal Constitution* as part of Peter Du Ponceau's *Dissertation on the Jurisdiction of the Courts of the United States* (1824). 16 *DICTIONARY OF AMERICAN BIOGRAPHY* 590–91 (1937); 1 HAMPTON L. CARSON, A HISTORY OF THE HISTORICAL SOCIETY OF PENNSYLVANIA 193–200 (1940); GEORGE SHARSWOOD, THE ORIGIN, HISTORY, AND OBJECTS OF THE LAW ACADEMY OF PHILADELPHIA 23–25 (1883).
51. Both his father, William Rawle, and son, William Henry Rawle, are listed in the *Dictionary of American Biography*, but he is not. William Rawle, Jr., was born July 19, 1788, and died August 9, 1858. He was the third son of William and Sarah (Burge) Rawle. He was educated at Princeton College, studied with his father for three years, and was admitted to the Philadelphia bar on May

replaced by Mr. Chauncey; and the profession looked forward with pleasure to a new series of Reports, conducted with his well-known ability."⁵² However, professional engagements caused Chauncey to relinquish the position to Sergeant and Rawle. Both were well aware of the difficulty of their job, as they continued in their preface:

In assuming the laborious and responsible duty of giving to the public a history of the cases adjudged in the highest tribunal of this state, the present Reporters are well aware of the difficulties which attend it; among which they consider as not the least, the deservedly high character of the work they have undertaken to continue. More than four years have now lapsed since the publication of Mr. Binney's last volume—a period during which many important adjudications have taken place, particularly on points springing out of land titles and commercial contracts.⁵³

The reporters used "every exertion," but "[i]n a work thus hastily prepared, many imperfections will doubtless appear." Nevertheless, "accuracy is the highest merit in a work of this description; and the Reporters trust, that in truly stating the points in controversy, and the authorities cited, they have not wholly failed."⁵⁴ They thanked Chief Justice Tilghman for providing access to his notes of arguments made in the cases since, with the deaths of Justices Yeates and Brackenridge, many of their reports have been mislaid. The reporters used Tilghman's notes whether the other judges agreed or differed from him. Finally, they again thanked Chauncey for his kindness in sharing the materials available to him for the reports of September Term 1814. *Sergeant and Rawle* was updated in a second edition, in 1842, and a third edition published either in 1871 or 1872, by Kay and Brother.⁵⁵

21, 1810. He served as Captain of the Second Troop of the Philadelphia City Cavalry from 1812 through 1814, compiled *Sergeant's & Rawle's Reports* from 1814 through 1828, continued with *Rawle's Reports* from 1828 through 1835, and contributed to one volume of the *Penrose and Watts Reports*. He was a member of the Common Council of Philadelphia from 1835 through 1840, serving as president for four years. With his father, he founded the Historical Society of Pennsylvania in 1824, serving as its vice-president. He also served as a member of the American Philosophical Society in 1841, as secretary and later director of the Philadelphia Library Company, as trustee of the University of Pennsylvania for nineteen years, and as secretary of the Law Academy of Philadelphia, becoming a first vice-president in 1837. He was on the committee that accompanied the remains of Chief Justice Marshall from Philadelphia to Richmond, Virginia. He married Mary Anna Tilghman, daughter of Edward Tilghman, Esq., and later, Elizabeth Chew, daughter of Chief Justice Benjamin Chew. 1 COLONIAL AND REVOLUTIONARY FAMILIES OF PENNSYLVANIA: GENEALOGICAL AND PERSONAL MEMOIRS 155–56 (John W. Jordan ed., 1911) [hereinafter *COLONIAL AND REVOLUTIONARY FAMILIES*]; 1 CARSON, *supra* note 50, at 68–70; MARTIN, *supra* note 7, at 304.

52. 1 Serg. & Rawle iii (1818, 3d. ed. 1872).

53. *Id.*

54. *Id.*

55. The title is still the same as the original set. Allegheny County Law Library has a volume 4 with an 1871 date, while the main set appears to be 1872 to 1874 or even 1875. The unknown editors provide citations to cases after each case in a rudimentary citator system similar to what Morris did for *Penrose and Watts Reports*.

Rawle (1828–1836)

In the fifth series of nominative reports for the Pennsylvania's Supreme Court, Rawle, in the preface, noted that although he and Sergeant had ended their relationship, "they feel deeply sensible of the favourable reception which the work has met with from the profession." Expecting to compile two volumes alone, Rawle stated of himself that "it will be his endeavor to attain correctness and impartiality, the chief merits of reports; and, to gratify the desire of the profession to be furnished early with the decisions of the Supreme Court, he has adopted the plan of publishing them in numbers."⁵⁶ He also planned to publish the cases more extensively "than circumstances have hitherto, in some instances, permitted," using "another connexion" that he did not fully identify.⁵⁷ In his concluding volume, however, he complimented his friend Peter McCall for his "valuable labours."⁵⁸ *Rawle* was reprinted with annotations several times, first in 1869 by William Wynne Wister, Jr., (including notes of cases decided through May 1867, reported in volume 55 of the *State Reports*); in a third edition in 1872; and finally in 1885 by Ellis Ames Ballard (including notes of cases decided through May 1883, reported in volume 103 of the *State Reports*).⁵⁹ One interesting addition in this final revision is the Rules of the Supreme Court published in volume 5.⁶⁰

Penrose & Watts (1829–1832)

Following the three volumes, Rawle joined with Charles B. Penrose⁶¹ and

56. 1 Rawle preface (1829).

57. *Id.* ("Another connexion has recently been formed, by means of which, the cases decided in the country, will be more fully reported, than circumstances have hitherto, in some instances, permitted. Under this new arrangement, a new series of reports will be offered to the profession.")

58. 5 Rawle Advertisement (1836). Peter McCall, who was born in 1807 and died on October 30, 1880, was another leading lawyer of Philadelphia in the second half of the nineteenth century. He was mayor of Philadelphia in 1845, and later professor and chair of Practice and Pleading at the University of Pennsylvania. At the time of his death, he was serving as chancellor of the Philadelphia Bar Association. Obituary Notice, 37 LEGAL INTELLIGENCER 434 (Oct. 30, 1880); Bar Meeting, 37 LEGAL INTELLIGENCER 442 (Nov. 5, 1880); MARTIN, *supra* note 7, at 96.

59. 1 Rawle [v] (1885). The title page is: Rawle, William, Jun. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania. By William Rawle, Jun. With Notes Referring to Cases in the Subsequent Reports.* By William Wynne Wister, Jun., Continued by Ellis Ames Ballard. Philadelphia: T. & J. W. Johnson & Co., Law Booksellers, Publishers, and Importers, No. 535 Chestnut Street, 1885.

60. 5 Rawle 355–68, followed by a rule on writ of error at 369.

61. Charles B. Penrose was born near Frankford, Philadelphia, the eldest son of Clement Biddle Penrose and Anna Howard (Bingham) Penrose, on October 6, 1798, and died on April 6, 1857. He studied law in Philadelphia under Samuel Ewing and was admitted to the bar on May 9, 1821. He published State Reports with Frederick Watts from 1831 through 1833 (first volume has William Rawle on title page), was elected to the State Senate in 1833, and served as an anti-Mason Whig until 1841. President Harrison appointed him Solicitor of the Treasury from 1841 through 1845, when he returned to Lancaster and private practice until 1847. He was elected as a "Reform" candidate to the Senate in 1856. 14 DICTIONARY OF NATIONAL BIOGRAPHY 449–50 (1937); ALFRED NEVIN, MEN OF MARK OF CUMBERLAND VALLEY, PENNSYLVANIA, 1776–1876, at 323–24 (Philadel-

Frederick Watts⁶² to publish one volume, and then the two latter reporters produced two more volumes of the *State Reports* covering from 1829 to 1832. A second edition was published in 1843, while I. Tyson Morris updated a third edition in 1880.⁶³ Watts continued the job himself for another ten volumes, publishing decisions from the May 1832 to September 1840 terms.

The condition of Pennsylvania reports by 1833 had already started to decline according to a long, critical article published by an anonymous author in the *American Jurist*.⁶⁴ The "connexion" to which Rawle had referred was, in fact, the division of labor among the three reporters—Rawle, Penrose, and Watts—to publish a volume in three parts. Following Rawle's retirement, volume 2 of Penrose and Watts and volume 3 of Rawle were published. The eastern district was assigned to Rawle, while Penrose and Watts covered the Harrisburg and Pittsburgh districts: "Whether this arrangement will be beneficial to the public is very problematical; indeed, as it will take each reporter so much longer to collect cases enough to make a book, it is extremely probable that the evils of delay at least will be aggravated." The reviewer went on to state that with "the Reports of Mr. Binney" as a "splendid" exception, "we think that the reporters of the Supreme Court of Pennsylvania rank low, in comparison with those of many of the Atlantic States."⁶⁵ This was particularly

phia, 1876); 1 TWENTIETH CENTURY BENCH AND BAR OF PENNSYLVANIA 29 (Chicago, 1903) [hereinafter TWENTIETH CENTURY BB]; 2 COLONIAL AND REVOLUTIONARY FAMILIES, *supra* note 51, at 661; 15 LEGAL INTELLIGENCER 117 (Apr. 10, 1857).

62. Frederick Watts was born on May 9, 1801, and died August 17, 1889. He was graduated from Dickinson College in 1819, studied law under Andrew Carothers, and was admitted to the Carlisle bar in August 1824. He joined with C. B. Penrose to be state reporters in 1829. He published three volumes with Penrose, ten volumes by himself, and nine volumes with Henry Sergeant through 1845. He was President of the Cumberland Valley Railroad from 1845 through 1871. On March 9, 1849, Governor Johnston commissioned him President Judge of the Ninth Judicial District (Cumberland, Perry, and Juniata) until 1852. He became president of the Agricultural College of Pennsylvania in 1854 and president of a gas and water works company that same year. In 1869, he retired to his farm. President Grant appointed him Federal Commissioner of Agriculture, where he served from 1871 through 1877. He then retired to Carlisle until his death. 3 EASTMAN, *supra* note 12, at 651–52; NEVIN, MEN OF MARK, *supra* note 61, at 306–8; 19 DICTIONARY OF AMERICAN BIOGRAPHY 556–57 (1937); BIOGRAPHICAL ENCYCLOPAEDIA OF PENNSYLVANIA OF THE NINETEENTH CENTURY 428–29 (Philadelphia, 1874).

63. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jr., Charles B. Penrose, and Frederick Watts, Counsellors at Law. Third Edition, Revised and Corrected. By I. Tyson Morris, Esq. (Philadelphia, Kay & Brother, Law Booksellers, Publishers and Importers, 1880). Morris was admitted to the Philadelphia bar, June 30, 1877. MARTIN, *supra* note 7, at 296.

Morris's contribution to the reports was to provide a rudimentary citator system, providing citations to cases as overruled by, referred to, distinguished, commented on, commented on and distinguished, and followed. *See, e.g.*, 1 Pen. & W. 81, 252, and 459 (1880).

The first citator in Pennsylvania was Samuel Linn, *An Analytical Index of Parallel References to the Cases Adjudged in the Several Courts of Pennsylvania: With an Appendix Containing a Collection of Cases Overruled, Denied, Doubted, or Limited in Their Application*. (Philadelphia, Kay & Brother, Law Booksellers, Publishers and Importers, 1857). *See Book Review*, 5 AM. L. REG. 573–75 (1857).

64. *Pennsylvania Reports*, 10 AM. JURIST & L. MAG. 81 (1833).

65. *Id.* at 82.

true “since the eighth volume of *Sergeant and Rawle* (when that spirited publisher, Mr. Abraham Small, ceased to have any connexion with the work) . . .”⁶⁶ In the 1829–30 session of the legislature, there was a proposal to place a tax upon writs of error to create a fund to pay for an official reporter, but the monies were allocated to another purpose.⁶⁷ The reviewer did not find volume two of Penrose and Watts “very skilful,” not much better, in fact, than the work of Richard Peters, the “incorrigible reporter” for the Supreme Court of the United States. The reviewer went on to criticize the time delay in publication, the use of “coarse dark paper,” the inclusion of an “imperfect statement of facts, or perhaps none at all—without any analysis of the pleadings—with defective outlines of the arguments of counsel—with typographical errors innumerable—[and] with incorrect marginal abstracts.”⁶⁸

The reviewer’s statements also provide a contemporary view of the judiciary. He found the judiciary wanting in a strong leadership—each judge did as he wished and the consequences were “deplorable.” Lack of leadership had led to nonpublication of the District Court of Philadelphia reports for twenty years, but Common Pleas had been published. He reviewed several cases comparing them as to precedent and against recent decisions in other courts as to the quality of the judicial decisions and the arguments of counsel and found them wanting.⁶⁹ In conclusion, he found Rawle a much better reporter than Penrose and Watts. “The art of making a full and at the same time curt and correct abstract or syllabus of the decisions, he possesses.” The reviewer severely criticized the two reporters for their mistake of omission in the syllabus of *McMillan v. Hall* (2 Pen. & W. 73) that reversed the actual decision of the report. And, finally, he pointed out that Justice Huston complained about the reports of December 1832, where his decisions were not reported accurately, as “shameful.” He finished with the recommendation that Rawle should publish in numbers rather than wait a year and a half to collect cases for one district.⁷⁰

The editors of the *American Jurist* responded to the article in the following issue.⁷¹ They felt it necessary “to introduce an inquiry into the justice and propriety of certain angry strictures which appeared in the July number . . .”⁷² After rejecting the author’s interpretation of several cases, the editors did agree that there was some truth to his complaints about the frequency of dissenting

66. *Id.* at 83.

67. *Id.*

68. *Id.* at 83–84.

69. *Id.* at 87–108. The criticism is both for the judiciary and also for the bar in presenting their cases.

70. *Id.* at 108–9.

71. *The American Jurist and Law Magazine*, No. XIX—For July, 1833, 11 AM. J. & L. MAG. 62 (1834).

72. *Id.* They felt that it was “in bad taste, for him to expose the nakedness of the courts of his own State to the gaze of strangers, in order to gratify a querulous disposition or avenge himself of those who he is pleased to consider his enemies.”

opinions within the court, but they argued that this was not strange, considering the six positions that had been filled between April 1827 and November 1830.⁷³ They also discounted the criticism laid against the entire bar and judges for the degeneration of reports for which the groups as a whole could not be blamed.⁷⁴ As for the reporters, they observed that Binney's work as a reporter thirty years earlier was different than that of the present times. There were few books published and fewer decisions reported, so Binney could put out a volume per year. "This enabled the publishers of Reports . . . to pay a price proportionate to the care and labor requisite to report in a style befitting the dignity of the decisions."⁷⁵ They complained that the reporter in Pennsylvania was not paid, unlike those in almost every other state. Furthermore, the publication of more court reports and new editions meant that "the labors of the reporters should not receive the proper stimulus of gain." They maintained that the country bar had prevailed upon Penrose and Watts, "at the expense of great personal sacrifices, to undertake the reporting of the country cases." Because of the reporters' remote location, they probably used a printer "where bookmaking is not a trade." They denied any defects in the books themselves. "The paper is positively good, and with but few exceptions, the cases are accurately reported, containing clear statements of the facts and pleadings, full outlines of the arguments of counsel, and accurate marginal abstracts. What more would the reviewer have?"⁷⁶ They refused to blame the reporters for inexperience in the area of proofreading that resulted in a poor syllabus at the front of a case.

Wharton (1835-1841)

Thomas I. Wharton,⁷⁷ previously mentioned as an editor of *Dallas's Reports*, published his own reports from 1835 to 1841, including only cases emanating from the eastern district of Pennsylvania. John Sword edited a second edition in 1870.⁷⁸ In his note, he states that he added notations down to 1868 [9 P. F.

73. *Id.* at 72.

74. *Id.* at 73.

75. *Id.* at 74.

76. *Id.* at 75.

77. Thomas I. Wharton, son of Isaac Wharton and Margaret Rawle, nephew of William Rawle, was born May 17, 1791, and died April 7, 1856. He was graduated from the University of Pennsylvania, studied law with William Rawle, and was admitted to the Philadelphia bar on October 19, 1812. He served as a Captain of Infantry in the War of 1812. He was a charter member of the Historical Society of Pennsylvania in 1826, councillor from 1825 through 1828 and 1836 through 1837, corresponding secretary from 1828 through 1836, and vice president from 1837 through 1841. He was one of the codifiers of the state laws in the 1830s. He served as treasurer from 1827 through 1841, and vice-chancellor from 1854 through 1856, of the Law Association of Philadelphia, and as trustee of the University of Pennsylvania from 1837 through 1856. He authored *A Digest of Cases Adjudged in the Circuit Court of the United States for the Third Circuit and in the Courts of Pennsylvania* in 1822, and *A Memoir of William Rawle, LL.D.*, in 1840. 20 DICTIONARY OF AMERICAN BIOGRAPHY 34 (1937); 1 CARSON, *supra* note 50, at 60, 66-67, 147; *Obituaries*, 14 LEGAL INTELLIGENCER 128 (Apr. 18, 1856); MARTIN, *supra* note 7, at 220, 323.

78. Thomas I. Wharton, *REPORTS OF CASES ADJUDGED IN THE SUPREME COURT OF PENNSYLVANIA, IN THE EASTERN DISTRICT* (John Sword ed., 1870) (Philadelphia, T & J. W. Johnson & Co.).

Smith], and that he had “added notes of other subsequent decisions involving the same points but containing no such citation.”⁷⁹

Watts & Sergeant (1841–1845)

Frederick Watts and Henry J. Sergeant⁸⁰ published the last set of nominative reports before an official reporter was named in 1845. Their work did little to deflect what had been mounting criticism from the local bar of the means of reporting decisions: “The multiplied and glaring deformities of this bad specimen of a bad system of reporting; one which for some time past, has, without any adequate benefit to the bar, effectually excluded the decisions of the Supreme Court of Pennsylvania, from their merited share of reputation abroad;”⁸¹ the system was seen as one “which is fast bringing the once honoured Bench and Bar of Pennsylvania into common disrespect.”⁸²

Critical reviews of the day provide us with an interesting overview of law reporting in the early 1840s. For instance, in a long review published in 1842, the editors reprint a commentary “which lately appeared in one of our city papers,” probably the *Légal Intelligencer*, railing at the fact that although the Court has “never been stronger” with Chief Justice Gibson and his associates, the reports are little cited outside of the state. The earlier commentary concludes that the disregard by sister states “is owing, in a great degree, to the character of the majority of the modern Pennsylvania reports, which, with some exceptions, have been verbose, confused, unintelligible, and, we think, disreputable to the Profession.”⁸³ This reprinted review argued that a reporter should present a statement of the case, provide the strong points raised by counsel, arrange and classify the authorities presented in support of the arguments, and compose a syllabus of the case that accurately described the points of the court’s decision. Writing in 1842, however, the reviewers found that the criticism in this earlier piece had had no effect upon the second published volume provided by Watts and Sergeant: “[T]he second volume is no better than the first, and of both it may be said, that reports worse prepared, more slovenly, more defective in every quality of good reporting, or, in short, more utterly *unreadable*, we have never had the task of studying.”⁸⁴ As an example,

79. *Id.* at [iii]. In 2 *Id.* at [iii], Sword states that the tenth volume of P. F. Smith’s reports had been published and were now included in this volume and the remaining volumes.

80. Henry J. Sergeant, who was born April 30, 1858, was admitted to the Philadelphia bar on April 26, 1839. He authored *Treatise on the Lien of Mechanics and Material Men in Pennsylvania* in 1839. MARTIN, *supra* note 7, at 310.

81. Book Review, 1 PA. L.J. 22 (1842).

82. Book Review, 2 PA. L.J. 129, 136 (1843).

83. Book Review, *supra* note 81, at 23. Gibson is recognized by legal historians as one of the great nineteenth-century judges; see LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 134–35 (2d ed. 1985); Stanley I. Kutler, *John Bannister Gibson: Judicial Restraint and the Positive State*, 14 J. PUBLIC L. 181 (1965).

84. Book Review, *supra* note 81, at 24.

they noted that the statement of one case was more than twenty pages long, full text from the evidence was reprinted, material not requested to be reviewed by assignment of error was included in full—all of which made the case read like a “Chinese puzzle,” “at once offensive and ridiculous.”⁸⁵ The volume was found wanting, especially when compared to the work of Binney:

The profession, and the public too, has a right to remonstrate. The profession must buy the reports, and yet more, must read them. The public pays to support its Judiciary. It is worthily jealous of its fame. It may well insist that learning and talents which honor alike Judiciary and Public, shall not be so held forth as to discredit both.⁸⁶

In perhaps faint praise, the reviewers found the “mechanical execution of these volumes is entirely commendable. The paper is good. The type appears to be new, and the whole execution better than common.”⁸⁷

Two separate reviews⁸⁸ found that the third volume produced by Watts and Sergeant represented “a very decided improvement in the performance of their duties.” The statements of the case and arguments of counsel were found to be reduced in size, “appropriate technical language” was used more, and the judges’ opinions were “less elaborate and extended than in most of the preceding ones of the same Court.”⁸⁹ The second review concluded that “Messrs. Watts and Sergeant deserve the thanks of the Profession, that they have at last discovered the secret, and found time to tell the stories of our law wrangles in few words and yet correctly. Let no one suppose that this is an easy task or small merit until he has tried it himself.”⁹⁰

Pennsylvania State Reports *Since 1845*

The Commonwealth of Pennsylvania created by legislative act the first official court reporter in 1845.⁹¹ The act authorized the governor to appoint “a person of known integrity, experience and learning in the law” for a period of five years. The reporter had to “give bond to the commonwealth, with at least two

85. *Id.* at 25.

86. *Id.* at 26–27.

87. *Id.* at 28.

88. “Even Mr. Watts has ascertained that it is not *always* necessary to transmit to posterity the entire farrago which is sometimes found in a Bill of Exceptions.” Book Review, 2 PA. L.J. 47 (1842) [hereinafter Book Review I]. Proofreading errors were termed “slight blemishes—and if the labours of these Reporters were about to close, we should not consider them worthy of a passing notice. But the whole Profession, has a deep interest in the subject of these brief remarks, and we have good hope that the junior Reporter, at least, who is yet in his noviciate, will be roused to a just appreciation of the important duties he has undertaken to discharge.” *Id.* at 48.

The second review, reprinted from the *U.S. Gazette*, and written by a critic of everything “not equal to Binny” noted “. . . the greatly improved character of a recent volume of Watts and Sergeant. It is the best digested and most carefully prepared volume of Reports which we have had for the last twenty years.” Book Review, 2 PA. L.J. 69, 70 (1842) [hereinafter Book Review II].

89. Book Review I, *supra* note 88, at 48.

90. Book Review II, *supra* note 88, at 71.

91. Act of April 11, 1845, 1845 PA. LAWS 374–75 (1845).

sufficient sureties, to be approved by the governor, in the sum of ten thousand dollars, upon condition for the correct and faithful performance of his official duties; and shall further take and subscribe before some judge, an oath or affirmation . . . that he will perform said duties of his office with correctness, impartiality and fidelity.”⁹² By section 2, the judges had to write opinions for every case, endorse each opinion for publication, provide the written opinion and paperbook⁹³ to the reporter for him to prepare his report, and return the materials to the files. A short proviso in section 3 of the Act prohibited the reporter from publishing minority opinions of the court.

The reporter had to arrange the opinions with suitable indices and captions, with the materials facts and points made in each case. Only two volumes per year could be produced, with a minimum of five hundred printed copies, and sold for no more than four dollars per volume. Violators of the sales provision of this section would be subject to conviction in a court of quarter sessions, resulting in a fine of \$200, \$100 to go to the state and \$100 to the person who prosecutes.⁹⁴ Section 4 provided for publishing of the books, type and paper as good as the previous reports, bound in law calf binding, and containing no less than 550 pages. By section 5, the reporter held the copyright to the publication “in the same manner as if the same were his own entire original production.” By section 6, the governor could remove the reporter for “incompetency, or a failure to discharge his official duties” upon the written letter by the judges to the governor, or fill the position on account of death to fill the

92. *Id.* § 1 at 374.

93. Paperbook is the common term in Pennsylvania for the briefs that are filed for each case. James T. Mitchell, a judge of the Philadelphia Court of Common Pleas and later Chief Justice of the Pennsylvania Supreme Court, wrote in his *Motions and Rules at Common Law, According to the Practice of the Courts of Philadelphia County. An Address Delivered Before the Law Academy of Philadelphia, May 15, 1879* at 26n.10 (1879):

The origin of the term *paper book* not being perhaps generally understood, and being not infrequently thought to be (like Pamphlet Laws) a peculiar Pennsylvania idiom, it may be interesting to note it here, especially as it supplies an illustration of the indebtedness of the junior bar to Lord Mansfield. By the ancient practice of the English courts on motion days the court began by calling upon the senior barrister present to move, and after he had been heard then the next in seniority, and so on through the bar as far as the days sitting would permit. This custom it may be observed continued down to our own day in the courts of our conservative neighbor, New Jersey. The next day the same process was repeated, starting with the senior again, and thus it frequently happened that days or even weeks would elapse before some of the juniors, no matter how urgent their cases, could get a chance to be heard. Lord Mansfield observing the hardship, changed the practice by beginning the call on the next day with the barrister whose turn it would have been to move next at the adjournment, and thus going through the entire bar before returning to the senior. He also ordered certain motions requiring argument to be put down on a *paper* (or as we should call it now, a list) which the court would go through before entering on the general call of the bar. The days of hearing these matters came to be known as *paper days*, and the briefs required to be furnished to the judges in analogy to the demurrer and issue books of the previous practice, called *paper books*. It is well known that some of the most eminent of our Pennsylvania lawyers were students in the Middle Temple during Lord Mansfield's time (among them Judges McKean and Yeates, Edward Tilghman, Jared Ingersoll, and William Rawle), and it is probable that they brought the term *paper books* home with them, and fixed it in Pennsylvania law. (citations omitted)

94. 1845 PA. LAWS 374 at § 3.

unexpired term of office. Finally, the act determined that the court reports should be called "Pennsylvania State Reports."⁹⁵

Subsequent acts authorized the reporter to include opinions on constitutional matters⁹⁶ and to draw up syllabi for all cases (although the original judge providing the opinion had to approve the syllabus).⁹⁷

The official reports began as a numbered series in 1845, with volume 1 edited by Robert Barr, a leader of the Berks County bar.⁹⁸ Although the names of the reporters were still printed on the spines of the books, it was not necessary to cite them by reporter. Nevertheless, the practice of doing so continued for many years in the mid-nineteenth century.⁹⁹ As was true with the earlier nominative reports, various volumes of the new official State Reports series were reviewed in the periodicals of the day, such as the *Pennsylvania Law Journal* and *American Law Register*.¹⁰⁰

Following Barr's death, his friend J. Pringle Jones,¹⁰¹ President Judge of the Third Judicial District (Northampton County), "submitted, through the intervention of a mutual friend, to Governor Johnston" a request for permission to publish two volumes of reports based on the manuscript notes of his deceased friend. The governor agreed "with characteristic generosity. . . . It was an exercise of power, alike graceful in its manner and honourable in its matter." Although "[t]he full report of every case but one is absolutely my own," in the preface he thanked "George Harris, Esq., the present reporter . . . [for] placing at my disposal as many cases falling within his term of office as might be necessary to complete the second volume."¹⁰² Jones, however, was unable to complete the second volume during the autumn of 1851, and relin-

95. *Id.* at § 7.

96. 1868 PA. LAWS 46.

97. 1878 PA. LAWS 201.

98. Robert Barr was a leader of the Berks County Bar; J. Pringle Jones assisted him in the compilation of the reports. 1 TWENTIETH CENTURY BB, *supra* note 61, at 50.

99. *See e.g.*, FREDERICK C. BRIGHTLY, A DIGEST OF PENNSYLVANIA STATUTES preface (1862), where he stated that the cases are brought down to volume 3 of Wright.

100. Book Review, 1 LAW INTELLIGENCER 123-34 (1833), review of volume 15 of Sergeant & Rawle; Book Review, 1 PA. L.J. 22-28 (1842), review of volumes 1 and 2 of Watts & Sergeant; 2 PA. L.J. 17, 47-48 (1843), review of volume 3 of Watts and Sergeant; Book Review, 4 AM. L. REG. 640 (1856), review of volumes 24 and 25 of *Pennsylvania State Reports* (vol. 12 of Harris and vol. 1 of Casey); Book Review, 6 AM. L. REG. 446 (1858), short review of volume 28 of *Pennsylvania State Reports* (vol. 4 of Casey).

101. John Pringle Jones was born in Philadelphia in 1812, and died in 1874. He studied for two years at the University of Pennsylvania, then joined the senior class at Princeton University, graduating with honors in 1831. He studied law with Charles Chauncey and was admitted to the Philadelphia bar in 1834. He was appointed deputy attorney general of Berks County in 1834. He was appointed judge of the Third District from 1847 through 1851. He was elected president judge of the Twenty-third Judicial District from 1852 through 1862, and was appointed president judge of the Third Judicial District from 1867, through 1869. *An Eulogium upon Antony Laussat, Esquire: Pronounced January 11th, 1834* (1834). 1 TWENTIETH CENTURY BB, *supra* note 61, at 50-51; 3 EASTMAN, *supra* note 12, at 606-7.

102. 11 Pa. [iii]-iv (1850).

quished the work to Richard McMurtrie, who is identified as an assistant to Barr when he was the state reporter.¹⁰³

George W. Harris¹⁰⁴ did not maintain a satisfactory collection. Harris's compilations were not well received by the profession. His concluding volume was judged "quite as bad as any of its predecessors, but as its author has ceased to occupy the office of reporter, it is not worth while to waste further indignation and criticism in his direction."¹⁰⁵

In 1857 Joseph Casey¹⁰⁶ began his series of the *State Reports*. Unfortunately, at the time he replaced James Hepburn he had business and professional engagements that did not allow him to spend as much time on the volume as he wished. The first 182 pages, with the exception of three cases (not identified in the preface), were Hepburn's, Casey having received them from Hepburn's executor, the Honorable A. V. Parsons. Casey aimed "to make the work a correct and faithful record of the adjudications of the highest judicial tribunal of our Commonwealth, and, by diligent attention and patient labour, endeavour to render it useful and acceptable to the profession."¹⁰⁷ Comparing Harris's works to Casey's, one reviewer critical of the former found that "in every respect there is a great change for the better."¹⁰⁸

103. 12 Pa. 3 (1852). It is also stated in the preface that the publication was delayed because the stereotype plates had been destroyed in a fire in the previous December and only "[a] single copy of proofs had been accidentally preserved, and from that the book has been printed." *Id.*

104. George Washington Harris, who was born June 23, 1798, and died August 13, 1882, was the grandson of John Harris, the founder of Harrisburg. He was educated at Harrisburg Academy and later at Dickinson and Jefferson colleges. He was eventually graduated from the University of Pennsylvania. He studied law, probably under Amos Ellmaker, preceptor, and was admitted to the bar in 1820. He was admitted to the Philadelphia bar on December 13, 1845. He served as deputy attorney general of Dauphin County, then moved to Harrisburg and published volumes 13 through 24 of *Pennsylvania State Reports*. He was secretary of the library committee of the U.S. Senate and edited the journal of William Maclay, one of Pennsylvania's senators. MARTIN, *supra* note 7, at 275; 2 TWENTIETH CENTURY BB, *supra* note 61, at 758-59.

105. Book Review, 4 AM. L. REG. 640 (1856).

106. Joseph Casey was born December 17, 1814, in Ringgold Manor, Washington County, Maryland, the son of Joseph and Rebecca (McLaughlin) Casey, and died on August 13, 1882. He was admitted to the Pennsylvania bar in 1838, elected as a Whig to the Thirty-first Congress House of Representatives on March 4, 1849, serving through March 3, 1851. Governor Pollock appointed Casey state reporter from 1856 through 1861. He was appointed commissioner to investigate and end the Erie Railroad War in 1855, judge of U.S. Court of Claims from 1861 through 1863, and first chief justice of the U. S. Court of Claims from 1863 through December 1870, when he resumed the practice of law until his death. 3 DICTIONARY OF AMERICAN BIOGRAPHY 559-60 (1937); WHO WAS WHO IN AMERICA, HISTORICAL VOLUME 1607-1896, at 98 (1963); BIOGRAPHICAL DIRECTORY, *supra* note 40, at 753.

107. 25 Pa. (3)-iv (1856).

108. Book Review, *supra* note 105, at 640. He went on to state that "[t]he statements of fact are generally clear and well made; the syllabus is accurate and sufficient; and when the argument of counsel is given, they are not made to talk absolute nonsense. There is some room for improvement perhaps, in several particulars, in comparison with the earlier standard of Pennsylvania reporting." *Id.* The reviewer accepted Casey's statement that he did not have enough time to spend on the volume and so would "forbear more extended criticism until the appearance of his next volume. In the meanwhile we can cordially welcome him into the circle of reporters, sincerely expecting that he will prove thoroughly competent for his position." *Id.*

The reviewers consistently praised Casey's work: "The reporter's duty seems to be well and satisfactorily done."¹⁰⁹ "These two volumes are quite like their predecessors, which have always been considered as well done, and certainly much better and more satisfactory than the volumes immediately preceding them."¹¹⁰ "Mr. Casey's reports have all been quite satisfactory to the bar, and these volumes are no exception. . . . [w]e have no reason to be dissatisfied with the reporter's labors."¹¹¹ "There is certainly no fault to be found with the manner in which the present reporter discharges his duty. The head notes are clear and accurate, and his index full and elaborately prepared, enabling the reader to have ready access to the content of the volume itself."¹¹² Reviewing the twelfth and final volume produced by Casey brought forth a judgment of excellence:

The vast improvement effected in the manner of reporting, the superior excellence and accuracy of the head notes of the cases reported, and the intelligible statement of the case and argument of counsel, together with the crowning comfort of a good law book—an index which really and truly points out the contents of the volume—are all, as usual with this reporter, to be found in this, the concluding volume of his series. We think we express the general sense of the profession when we say, that the office of reporter, during Mr. Casey's term, has been worthily filled, and quite to the satisfaction of his brethren of the bar, and we trust the next reporter may be as accurate and faithful.¹¹³

Robert Emmet Wright¹¹⁴ served as reporter for volumes 37 to 50 of the *Pennsylvania State Reports*. The editors of *American Law Register* stated of his first effort: "The duties of the reporter appear in general to have been properly executed, and the reports and head notes are clear and intelligible."¹¹⁵ And the reviewer "H.W." later found that Wright improved with experience, assessing that in volume 39:

His head notes are skillfully prepared; and they have prefixed to them a short abstract of the subjects to which they relate, which is a great convenience and deserving imitation

109. Book Review, 6 AM. L. REG. 446-7 (1858).

110. Book Review, 7 AM. L. REG. 639, 640 (1859) (reviewing volumes 31 and 32).

111. Book Review, 7 AM. L. REG. 254, 255 (1859) (reviewing volumes 29 and 30).

112. Book Review, 8 AM. L. REG. 512 (1860) (reviewing volume 34).

113. Book Review, 9 AM. L. REG. 317 (1861) (reviewing volume 36).

114. Robert Emmet Wright was born in Carlisle, Pennsylvania, on November 30, 1810, and died January 10, 1886. He studied law and was admitted to the bar. He was appointed district attorney of Allentown by Attorney General J. K. Kane. He served as postmaster of Allentown, school director for twenty-three years, burgess of Allentown for two terms, and was appointed by Governor Packer as state reporter. He authored *The Pennsylvania Justice* . . . in 1839, and its second edition in 1845; *Digest of Pennsylvania Statutes*, 2d ed. in 1847; and *Graydon's Forms of Conveyancing* . . . new edition in 1845, and the 4th edition, rev., cor., and enl. in 1852 and 1866. 2 HISTORIC HOMES AND INSTITUTIONS AND GENEALOGICAL AND PERSONAL MEMOIRS OF THE LEHIGH VALLEY PENNSYLVANIA 220-21 (John W. Jordan, Edgar Moore Green, George T. Ettinger, eds., 1905).

115. Book Review, 9 AM. L. REG. 572, 574 (1861) (reviewing volume 37).

by other Reporters. The statements of fact are clear, and void of unnecessary repetitions. But the most noticeable feature of this, as of the previous volumes, is the care which has been bestowed on the summary of the arguments of counsel, which has been too much neglected in this country. . . . [A] good report of the argument, is often necessary now-a-days, in order to ascertain what was really the decision of the Court, or at least its value as a precedent. . . . [W]e rank Mr. Wright's reports very high among those with which the Pennsylvania bar has been at different times favored or inflicted.¹¹⁶

Persifor Frazer Smith¹¹⁷ was State Reporter for volumes 51 to 81. Of his work in volumes covering 1872 to 1877, one writer observed:

[t]he method, which the judges adopt in making up their opinions, of citing as authority only cases decided in their own State and in the supreme court of the United States, seems a little like judicial self-sufficiency. But we are not to suppose from this that the supreme court of Pennsylvania, in arriving at its conclusions, is not governed mentally to a considerable extent by the principles of the adjudications in other States and countries.¹¹⁸

Although common among official reporters, one reviewer complained of the year-and-a-half delay in publication. He approved of Smith's suggestion that the name of the case and citation be given to alleviate the problem of not being able to identify cases solely by citation only.¹¹⁹

Assessing Smith's work as state reporter upon the occasion of the publication of his final volume (volume 81 of the *Pennsylvania State Reports* and the thirty-first by Smith) the editor states that he "has performed its duties satisfactorily to the profession and the courts. The present volume equals, in every respect, its predecessors, and contains a number of cases of general interest. . . ." ¹²⁰

After completing his term of office, Smith produced one more volume,

116. Book Review, 10 AM. L. REG. 447-48 (1862).

117. Persifor Frazer Smith, son of Joseph and Mary (Frazer) Smith, was born June 23, 1808, and died May 25, 1882. He was graduated from the University of Pennsylvania in 1823, studied for the legal profession, and was admitted to the Chester County bar in 1829 and the Philadelphia bar on April 8, 1830. He was appointed State's Attorney for Delaware County in 1832, and clerk of the Orphans' Court for Chester County in 1835. He was a member of the Pennsylvania legislature from 1861 through 1864, was appointed Supreme Court reporter from 1866 through 1876, and elder of the West Chester Presbyterian Church. He authored *Forms of Procedure, in the Courts of Pennsylvania* . . . in 1862. 11 JORDAN, ENCYCLOPEDIA OF PENNSYLVANIA BIOGRAPHY 175-76 (1919); MARTIN, *supra* note 7, at 312.

118. Book Review, 6 ALB. L.J. 231-32 (1872). Similarly, a later review commented: "But [w]e have to notice again the remarkable fact that the Pennsylvania judges seldom cite cases decided in the other States. What the theory of this is we do not know; but we must say that the decisions of the Supreme Court of Pennsylvania are generally correct in principle and founded on solid reasons. The present volume is abundant evidence of the value of its adjudications." Book Review, 11 ALB. L.J. 258 (1875).

119. Book Review, 10 ALB. L.J. 188-89 (1874).

120. Book Review, 16 ALB. L.J. 355 (1877). The author of his biography stated that "his thirty-two volumes of reports are regarded as among the best ever made in the State." 11 JORDAN, *supra* note 117, at 176.

identified as 81* on the spine, in which Smith claimed: "The cases contained in this volume [cases argued in the years from 1870 to 1876] were not ready for publication when the 82d volume of Pennsylvania State Reports was issued. Considerations of a personal character occurring since then have delayed their publication until now."¹²¹ The volume was strongly criticized by one reviewer: "There is hardly a case of importance and general interest in the volume. The cases are nearly all mere *per curiam* memoranda, and the volume is padded with long statements, reports of testimony, and arguments." Worse, he knows that the Pennsylvania bar "will be forced to buy this afterbirth. . . ."¹²²

By the 1880s, the *Pennsylvania State Reports* were published without much fanfare. Reviewers of the late nineteenth century reduced the attention devoted to state court reports, turning instead to providing a steadily increasing amount of coverage to the growing number of legal treatises.¹²³ The reporters of the Pennsylvania Supreme Court decisions down to the mid-twentieth century were all well-known lawyers, active in their profession, some the authors of various reports and treatises. The reporters included: Alexander Wilson Norris¹²⁴ (volumes 82 to 96), Albert Albouy Outerbridge¹²⁵ (volumes 97 to 110), Lemuel Amerman¹²⁶ (volumes 111 to

121. 81* Pa. note (1881).

122. Book Review, 24 ALB. L.J. 98-99 (1881).

123. For a bibliography of late-nineteenth century publications, see BETTY W. TAYLOR & ROBERT J. MUNRO, *AMERICAN LAW BOOK PUBLISHING 1860-1900* (1984). Volumes 1 and 2 contain historical articles on law book publishing; volumes 3 and 4 are the bibliography of treatises from 1860 to 1900. See also, A. W. B. Simpson, *The Rise and Fall of the Legal Treatise: Legal Principles and the Forms of Legal Literature*, 48 U. CHI. L. REV. 632 (1981).

124. Alexander Wilson Norris was born in Lewistown, Mifflin County, on April 11, 1841, and died May 21, 1888. He studied at Georgetown College, served in the Civil War as a captain, was graduated from the University of Pennsylvania Law School in 1867, and was admitted to the Philadelphia bar on November 16, 1867. He read law under preceptorship of Judge Thompson of Philadelphia. He was appointed private secretary to Governor Hartranft in 1872, Supreme Court Reporter in 1876, and Judge Advocate General of Pennsylvania in 1877. He served in the Sixth Senatorial District in the Pennsylvania Senate in 1881. President Arthur appointed him Pension Agent at Philadelphia in 1881. He was elected Auditor General of Pennsylvania in 1886, and was a member of Post No. 19 of the Grand Army of the Republic, serving as department commander of the GAR of Pennsylvania. 3 JORDAN, *supra* note 117, at 786-7; MARTIN, *supra* note 7, at 208.

125. Albert Albouy Outerbridge was born April 20, 1841, and died January 23, 1917. He was admitted to the Philadelphia bar on June 7, 1862. He served as editor-in-chief of the *Weekly Notes of Cases* from 1874 through 1899, Supreme Court Reporter from 1881 through 1885, and trust officer from 1885 through 1913 and vice president in 1913 of the Land Title & Trust Co. of Philadelphia. 1 WHO WAS WHO IN AMERICA 924 (1942); MARTIN, *supra* note 7, at 209.

126. Lemuel Amerman was born near Danville, Montour County, on October 29, 1846, and died October 7, 1897. He was graduated from Bucknell University in 1869, entered the law office of Attorney General L. C. Cassidy as a student of law, and was admitted to the Philadelphia bar on December 24, 1875. He moved to Scranton, and became solicitor of Lackawanna County from 1879 through 1880. He served as a member of the State House of Representatives from 1881 through 1884, was elected city comptroller of Scranton in 1885, and was state reporter from 1886 through 1887. He was elected as a Democrat to the Fifty-second Congress House of Representatives on March 4, 1891, through March 3, 1893. He was an unsuccessful candidate for the Fifty-third Congress, an incorporator of the Pennsylvania Bar Association, and an active member

115), Boyd Crumrine¹²⁷ (volumes 116 to 146), James Monaghan¹²⁸ (volumes 147 to 165), Wilson C. Kress¹²⁹ (volumes 166 to 194), W. I. Schaffer¹³⁰ (volumes 195 to 262), Albert B. Weimer¹³¹ (volumes 263 to 308), C. Brewster Rhodes (volumes 309 to 344), Laurence Howard Eldredge¹³² (volumes 345 to

of its Executive Committee. He died in Blossburg, Tioga County, Pennsylvania. Obituary, 4 PA. B. ASS'N REP. 351-52 (1898); PROMINENT AND PROGRESSIVE PENNSYLVANIANS OF THE NINETEENTH CENTURY 81-83 (Philadelphia, Record Pub. Co., 1898); 2 GEORGE KULP, FAMILIES OF THE WYOMING VALLEY, BIOGRAPHICAL, GENEALOGICAL AND HISTORICAL SKETCHES OF THE BENCH AND BAR 979-80 (Wilkes-Barre, 1889); BIOGRAPHICAL DIRECTORY, *supra* note 40, at 531; MARTIN, *supra* note 7, at 244.

127. Boyd Crumrine was born February 9, 1838, to Daniel and Margaret (Bower) Crumrine, and died August 21, 1916. He studied at Waynesburg College, graduating in 1860. He studied law under the Honorable John L. Gough and was admitted to the Washington County bar on August 26, 1861. He served in the Civil War as a lieutenant, became a Republican politician after the war, and served as District Attorney of Washington County from 1865 through 1868. He compiled social statistics of the Western District of Pennsylvania for the 1870 census, was appointed by Governor Joseph A. Beaver as state reporter from 1887 through 1892, when he resumed private practice with John P. Patterson. Among his numerous publications were *Rules to Regulate the Practice of the Several Courts of Washington County*, in 1871; *Pittsburgh Reports; Containing Cases Decided by the Federal and State Courts, Chiefly at Pittsburgh*, in 3 vols. from 1872 through 1873; *The Boundary Dispute Controversy Between Pennsylvania and Virginia, 1748-1785, with the Records of the Old Virginia Courts held within Southwestern Pennsylvania from 1775 to 1780*, reprinted from the Annals of the Carnegie Museum between 1902 and 1905; *The Courts of Justice, Bench and Bar of Washington County, Pennsylvania . . .* in 1902; *The County Court for the District of West Augusta, held at Augusta Town (Washington) Pa., 1776-1777*, in 1905. 2 JORDAN, *supra* note 117, at 516-522 (1914); Obituary, 23 PA. B. ASS'N REP. 74-75 (1917); 59 PITT. L. J. 3-4 (Aug. 26, 1911). In front of the article is a portrait of Mr. Crumrine.
128. James Monaghan was born September 21, 1854, and died April 3, 1949. He was admitted to the Pennsylvania bar in 1878. He was appointed Supreme Court reporter by Governor Pattison in 1892. He served as assistant librarian for the Pennsylvania Supreme Court in 1921, charter member of the Pennsylvania Bar Association in 1895, former vice president of the Philadelphia Ethical Society, member of the Federal Union, former member of the American Academy of Political and Social Science, and honorary member of the Institute of American Genealogy. He authored *The Liquor License Laws of 1887 . . .* in 1887, and *Pennsylvania Appellate Practice*. He edited *Chester County Reports; Cumulative Annual Digest of Pennsylvania Law Reports* comprised of 25 vols., combined into 7 vols., from 1899 through 1927, and was first editor of the *Pennsylvania County Court Reports* and *Pennsylvania District Reports*. 2 WHO WAS WHO IN AMERICA 378 (1950).
129. Wilson C. Kress was born in 1836 and died on June 25, 1920. He was admitted to the bar of Clinton County, 1866; the first state reporter of volumes 1-12 of the *Pennsylvania Superior Court Reports*; and, at the time of his death, he was the oldest member of the bar and President of the Bar Association. Obituary, 27 PA. B. ASS'N REP. 88 (1921).
130. Schaffer first served as state reporter for volumes 13 to 70 of the *Pennsylvania Superior Court Reports*.
131. Albert B. Weimer was born January 5, 1857, and died November 13, 1938. He was graduated from Harvard, A.B., in 1880, and was admitted to the Philadelphia bar in 1882. He was the assistant state reporter for vols. 16 through 70, and the state reporter for vols. 71 through 106 of the *Pennsylvania Superior Court Reports*. He authored *The Law of Private Corporations in Pennsylvania*, 2 vols., in 1898; *The Law of Railroads in Pennsylvania . . .* 3 vols., from 1893 through 1905; and *The Law Relating to the Mining of Coal in Pennsylvania* in 1891. 1 WHO WAS WHO IN AMERICA 1317 (1942).
132. Laurence Howard Eldredge was the assistant reporter for Restatement of the Law of Torts for the American Law Institute. He authored *The Development of Freedom of the Press in Colonial America* in 1940, *Modern Tort Problems* in 1941, *Keeping the Restatement Up-to-date* in 1947, *Pennsylvania Annotations to the Restatement of the Law of Torts* from 1948 through 1953, *Trial of a Philadelphia Lawyer* in 1968, *De Vita Monastica Dialogues; editio princeps of a Medieval*

431), Norman Lindenheim (volumes 432 to 452), and John W. Marshall (volumes 453 to 458).

From the late nineteenth century the George T. Bisel Company¹³³ and other companies¹³⁴ have published the *Pennsylvania State Reports*. The format has not changed much over the years, with each volume generally including: title page, copyright page, list of judges of the Supreme Court of Pennsylvania, list of judges of the Superior Court (since its creation in 1895), list of judges of the courts of common pleas, table of cases reported, tables of statutes and rules construed, the reported cases, and an index by points of law. Additional features that have occasionally appeared include induction ceremonies, memorial services, and presentations of portraits. Important events in the history of the Supreme Court are also documented, such as the ceremony of the 250th anniversary of the court,¹³⁵ or an address by a member of the United States Supreme Court.¹³⁶ The rise of state judicial councils in the 1920s and 1930s are reflected in the reports of seven of the eight conferences held between 1929 and 1955.¹³⁷ The adoption by Pennsylvania of the American Bar Association's

Latin Poem from Ms. Columbia University X878C86/P in 1963 (Ph.D. Dissertation Columbia University). He also authored *Liability of Manufacturers and Contractors*, Issue 21 PA. B. ASS'N Q., 154-60, in Oct. 1934, and *Pennsylvania Tort Law v. the Restatement*, Issue 33 PA. B. ASS'N Q., 33-37, in Oct. 1937.

133. The George T. Bisel Company was founded in 1876 by William F. Bisel, who was joined one year later by his younger brother George. William died in 1881, and George carried on the business. At first the company sold law blanks and stationery, then added used law books; by the end of the century it had moved into the actual publication of law books itself. Early publications included *Purdon's Pennsylvania Digest*, *Dunlap's Books of Forms*, and *Troubat & Haly's Practice*. George Bisel died in March 1941 at the age of 80. The Bisel Company bought out both Kay & Brother and T. & J. W. Johnson Company in the 1890s. It published *Pepper & Lewis's Digest* as well as the predecessor to *Vale Pennsylvania Digest*, and *Pennsylvania District & County Reports*. As the publisher for the twelfth and thirteenth editions of *Purdon's Digest*, West Publishing Company made a joint arrangement for the publication of the fourteenth edition of *Purdon's Statutes*. Bisel has remained the preeminent publisher of Pennsylvania treatises through the 1980s, but other legal publishers, such as West, Lawyers Cooperative, and Harrison Companies, have made major inroads today. See SURRENCY, *supra* note 5, at 221.
134. The Allegheny County Law Library has a number of reports from the early twentieth century published by Banks & Co. and Banks Law Publishing Co. of New York and Albany. See SURRENCY, *supra* note 5, at 215-16.
135. *Ceremonies of the Bi-Centennial Anniversary of the Supreme Court of Pennsylvania, Held In the Court Room at Harrisburgh, May 22, 1922. Address of Hon. Robert von Moschzisker, Chief of Pennsylvania, Justice*, 273 Pa. xxiii (1922).
136. Miller, *The Use and Value of Authorities in the Argument of Cases Before the Courts and in the Decision of Cases by the Courts; An Introductory Address before the Law Department of the University of Pennsylvania, Monday, October 1, 1888*, 121 Pa. xix (1889).
137. For background on the conferences, see Robert von Moschzisker, *The Pennsylvania Judicial Conference*, 2 PA. B. ASS'N Q. 2-8 (Dec. 1929). The published accounts of the conferences appear in the following: 1st Judicial Conference, 292 Pa. xxv. (1928); 2d Judicial Conference, 297 Pa. xxvii (1929); 3d Judicial Conference, 300 Pa. xxv (1930); 4th Judicial Conference, 323 Pa. xxxi (1936); 5th Judicial Conference, 323 Pa. xlix (1936); 6th Judicial Conference, 327 Pa. xxix (1937); and 8th Judicial Conference, 383 Pa. xxiii (1956).

Code of Professional Responsibility and later its Model Rules of Professional Conduct was recognized by publication in the *Reports*.¹³⁸

The Supreme Court had long declared that it had the right to publish court rules, but it was only in the twentieth century that court rules began to appear more regularly in volumes of the *Pennsylvania State Reports*. This was especially true once a Procedural Rules Committee was appointed by the Supreme Court under the authority of legislation enacted in 1937.¹³⁹ This Committee quickly promulgated rules governing the business of courts and various aspects of civil procedure.¹⁴⁰ In a few years it became necessary to publish an index to the rules.¹⁴¹

Beginning with volume 459 in 1976, the West Publishing Company has published the official *Pennsylvania State Reports*. Although published as much as a year behind the *Atlantic Reporter 2d* series, the *State Reports* versions contain exactly the same material as the *Atlantic Reporter*, including digest topics and headnotes at the beginning of each case. The bound volumes follow the standard format of other West publications: title page, list of judges, list of cases reported, list of statutes and rules construed, words and phrases preceding the cases reported followed by the digest topics at the end of the volume. The same is true of the reports of both the Pennsylvania Superior and Commonwealth Courts.¹⁴² The official reports do, however, contain inductions, memorials, and picture presentations that are not contained in the *Atlantic Reporter* series. West publishes an abridged version of the *Atlantic Reporter 2d* series as the *Pennsylvania Reporter*.¹⁴³

The unofficial *Atlantic Reporter* began coverage of Supreme Court cases with volumes 108 and 330 of the *State Reports* in the *Atlantic Reporter 1st* and *2d* series, respectively.

Miscellaneous Reports

The failure of the Supreme Court reporter to publish all of the opinions led to

138. 438 Pa. xxv (1970) (Code of Professional Responsibility); 515 Pa. lxix (1988) (Rules of Professional Conduct).

139. Act of June 21, 1937, 1937 PA. LAWS 1982.

140. See, e.g., 331 Pa. xxxiii (1938); 332 Pa. xxxv (1938). Supreme Court Orphans' Court rules were published in December 1942, effective July 1943, 345 Pa. lv (1943).

141. E.g., 357 Pa. xxiii (1947); both procedural and Orphans' Court rules are indexed in 412 Pa. xxiii (1963).

142. The Pennsylvania Superior Court began in 1895 (1895 PA. LAWS 212; 42 Pa.C.S.A. §§ 541-544). Down to 1977, the *Pennsylvania Superior Court Reports* were published at different times by Banks Law Publishing Company, George T. Bisel Company, Telegraph Press, Legal Intelligencer, Murrelle Printing Company, and Smith Brothers Printing and Publishing. West Publishing began publishing the set with volume 241 in 1977.

The Commonwealth Court began in 1970; Art. V, § 4; 1970 PA. LAWS 434; 42 PA.C.S.A. §§ 561-564. Until 1991, through the first 125 volumes, Murrelle Printing Co. published the *Pennsylvania Commonwealth Court Reports*; thereafter West published the set from volumes 126 to 168, when the court concluded the set.

143. The *Pennsylvania Reporter*, the abridged version of the *Atlantic Reporter 2d* series, contains only the reports of the three appellate courts from 1938 to date.

the publication of the Miscellaneous Reports: five sets of Supreme Court cases that were outside of the regular numbered series because of the restriction upon publication.¹⁴⁴ The five reporters were Benjamin Grant,¹⁴⁵ Lewis B. Walker,¹⁴⁶ Samuel Pennypacker,¹⁴⁷ Sylvester Sadler,¹⁴⁸ and James Monaghan. All five were respected members of the Pennsylvania bar and held a variety of positions within the political and legal communities.

Grant

In his preface to volume one, published in 1859, Benjamin Grant explains "why the cases [contained herein] have not before been published" as "attributable to the law under which the State Reporter holds his office."¹⁴⁹ He refers to the original act of 1845 in which the reporter is limited to "the publication of two volumes, of not less than five hundred pages, per year," as well as a

144. See Hewitt, *supra* note 7, at 6–9.

145. Benjamin Grant was born in 1822 and died in 1878. He was admitted to the Erie bar in 1845 and developed a large and successful practice. A "series of finely prepared reports gave his name a wide celebrity." 1 TWENTIETH CENTURY BB, *supra* note 61, at 227.

146. Lewis B. Walker (1855–1903) edited *The Burd Papers* (Pottsville, 1897–99), which consisted of vol. 1—*Extracts from Chief Justice William Allen's Letter Book*; vol. 2—*The Settlement of the Waggoners' Accounts Relating to General Braddock's Expedition Towards Fort Du Quesne*; vol. 3—*Selections from Letters Written by Edward Burd, 1763–1828*. He also wrote chapters on "Life of Margaret Shippen, Wife of Benedict Arnold," in PA. MAG. HIST. & BIOG. volumes 24 to 26.

147. Samuel Pennypacker was born in Phoenixville, Pennsylvania, on April 9, 1843, and died on September 2, 1916. He served as a private in the Twenty-sixth Emergency Regiment in 1863. He studied law under Peter McCall, was graduated from the University of Pennsylvania Law Department in 1866, and was admitted to the Philadelphia bar on May 19, 1866. He was elected president of the Law Academy of Philadelphia from 1867 through 1868. He held various offices, including president, from May 14, 1900, through 1916, of the Historical Society of Pennsylvania. Governor Beaver appointed him judge of the Philadelphia Court of Common Pleas No. 2 in 1889, where he was elected to two successive terms from 1889 through 1902. He served as vice-provost of the Law Academy from 1898 through 1916, member of American and Philadelphia Bar Associations, vice president of the Philadelphia Bar Association, chairman of the Legal Biography Committee of the PBA, PBA delegate to Universal Congress of Lawyers and Jurists in 1904, president of the National Congress on Uniform Divorce Laws in 1906, president of the Philobiblon Club from 1900 through 1916, and trustee of the University of Pennsylvania from 1886 through 1916. He authored *The Autobiography of a Pennsylvanian* in 1918 (which included a bibliography of his works, pp. 545–49), *Pennsylvania Colonial Cases* in 1892, *Pennsylvania in American History* in 1910, and *Digest of English Common Law Reports*. He was the staff reporter on *Weekly Notes of Cases*, Congress Hall, Philadelphia. 2 PA. B. ASS'N REP. (1896). 14 DICTIONARY OF AMERICAN BIOGRAPHY 447–48 (1937); 23 PA. B. ASS'N REP. 118–20 (1917); 2 CARSON, *supra* note 50, at 150–57; Hampton Carson, *The Life and Services of Samuel Whitaker Pennypacker*, 41 PA. MAG. HIST. & BIOG. 22–24 (1916); MARTIN, *supra* note 7, at 229, 301.

148. Sylvester Baker Sadler, son of Judge Wilber F. and Sarah E. Sterett Sadler, was born September 29, 1876, and died March 1, 1931. He was graduated from Yale University with Phi Beta Kappa honors in 1896, and from Dickinson Law School in 1898. He became an instructor in criminal law at Dickinson, was appointed judge of the Cumberland Court of Common Pleas to fill the unexpired term of his father in 1914, was reelected to that position in 1915 and served until January 1, 1921, when he was elevated to Associate Justice of the Supreme Court of Pennsylvania. He was a member of the Union League of Philadelphia, Pennsylvania, and American Bar Associations. He was the author of *Criminal and Penal Procedure in Pennsylvania* in 1903. 3 EASTMAN, *supra* note 12, at 653; 37 PA. B. ASS'N REP. 44–45 (1937).

149. 1 Grant [vii] (1859).

subsequent act in 1855 that allowed “two additional volumes during his term, making twelve volumes in five years.” The consequence of these limitations was that “a large body of judicial learning, in the shape of unpublished decisions, has accumulated, which could only be given to the profession by private enterprise. This the writer has undertaken in the volume now presented, and those which may follow.”¹⁵⁰

In the second volume, with its short preface dated a year and one-half later in December 1860, the author thanked the profession “for their approval of his first volume of Cases, and assures them, that he is grateful for their lenient kindness in overlooking its faults.” This second volume included “cases which have been omitted from the regular reports—nearly all of which were marked ‘to be reported.’”¹⁵¹ In listing the justices of the court, he provided the appointment date of each justice, if available, from 1681 onward and who they replaced.¹⁵²

The third volume was published three years later in 1864. Again, he acknowledged the appreciation with which his previous work had been received by the profession, “indicated by their many kind expressions and by the extensive sales that have attended them.” Not constrained by statutory restrictions, “the reporter [meaning Grant] has felt himself at liberty in two cases of great importance . . . to travel a little out of the direct road to gather in a proper connection some legal waifs, by way of note, that he thought would be of interest and serve to elucidate questions adjudicated in the leading cases.”¹⁵³ He also published a full report of the conscription cases dealing with the Civil War. Unable to obtain paperbooks in many cases, however, he acknowledged that he might not have presented as complete a report as desirable, omitting the names of the counsel, statements of fact, or briefs of arguments of counsel.¹⁵⁴

In commenting upon volume one of *Grant's Reports*, the book reviewer¹⁵⁵ first corrects “an erroneous impression” that the cases reported were ones that were marked “not to be reported,” when in fact they were selected for reporting. “Mr. Grant . . . has given always a clear and exact statement of facts, and frequently the arguments of counsel in the more important cases, especially the argument that prevailed with the court, and then the opinion itself.” He has “exercised a sound judgment in selecting his cases, and a most commendable industry in compiling them. . . .” A subsequent review¹⁵⁶ gave volume two “the

150. *Id.* at vii–viii. The acts to which Grant referred were: Act of Apr. 11, 1845, 1845 PA. LAWS 374 (1845); Act of May 8, 1855, 1855 PA. LAWS 528 (1855).

151. 2 Grant [iii] (1861).

152. *Id.* at v–viii. He actually lists the justices up to the Revolution in one list and from the Revolution to the present day in a second list. There is a third list of attorneys general since the Revolution.

153. 3 Grant [iii] (1864).

154. *Id.*

155. Book Review, 7 AM. L. REG. 640 (1859).

156. Book Review, 9 AM. L. REG. 317–18 (1861).

same praise as the former one. As a reporter he has few superiors in clearness and accuracy. He reports a case succinctly and intelligibly, without unnecessary words, and confines his head notes to the very matter decided; and we take pleasure in commending his volume to the reader." Volume three received similar commendation, accompanied by the comment that Grant had an advantage over the regular state reporter because he could publish "dissenting opinions, from which the reporter is most absurdly debarred."¹⁵⁷

T. Elliott Patterson edited *Grant's Reports* for a second edition that was published in 1889–1890.¹⁵⁸ The references to the *Reports* were updated down through 1889.¹⁵⁹

Pennypacker

Samuel Pennypacker published his four volumes between 1881 and 1884. He acknowledged in his preface to the first volume that the Act of 1878, once it became effective after May 1881, would result in the omission of many cases "which would formerly have been included in the State Reports. A large proportion of these cases are those in which careful and accurate renderings of the law in the Courts below have made elaborate opinions in the Supreme Court unnecessary. There are many others which, though of less comparative importance, nevertheless throw light upon obscure places in an intricate system of jurisprudence." Pennypacker concluded that "[s]hould this volume meet with the approbation of the Court and the profession, it will be followed by others in a series running parallel with the State Reports."¹⁶⁰ His preface to volume two indicated the favorable response received by the initial effort and that he was "fully aware that nothing can justify the publication except the value of its contents to the profession, and he has therefore endeavored in the present volume to exercise increased care, both as to selection and preparation."¹⁶¹

Walker

Lewis Walker's *Reports* cover approximately the same period of time as Pennypacker. His earliest cases date back to 1853, but the bulk are from the late 1870s and early 1880s. In his short preface, he stated that the cases he had

157. Book Review, 12 AM. L. REG. 511, 512 (1864).

158. Benjamin Grant, REPORTS OF CASES ARGUED AND ADJUDGED IN THE SUPREME COURT OF PENNSYLVANIA. (Philadelphia, William J. Campbell, Law Bookseller and Publisher, T. Elliott Patterson ed., 2d ed. 1889–90). Volume 1 and 2 are dated 1889; volume 3 is dated 1890. It was reprinted again by W. J. Campbell Co. in 1897.

159. 1 Grant [v] (2d ed., 1889). The updates are from 1859 (31 Pa.) to 1889 (122 Pa.). He also used the *Philadelphia Reports* in 17 vols. (1885); *Pittsburgh Reports* in 3 vols. (1872); *Weekly Notes of Cases* in 22 vols. (1889); *[Monaghan's] Pennsylvania Supreme Court Cases* in 1 vol. (1889); *Pennypacker's Supreme Court Cases* in 4 vols. (1881–1884); *Pennsylvania County Court Reports* in 5 vols. (1888); and *Pearson's Reports* in 2 vols. (1851–1880).

160. 1 Pennyp. v (1882) (citing Act of June 12, 1878, 1878 PA. LAWS 201).

161. 2 Pennyp. iii (1884).

included were ones that had not been reported in the *State Reports*, *Pennypacker's Reports*, or the *Weekly Notes of Cases*, "in order to prevent the evil of duplication." Since the last report was decided in 1884, he did not expect any of them to appear in *Weekly Notes* or *Pennypacker's Reports*.¹⁶²

In the second volume, he reprinted ten cases that originally appeared in volume four of the *Luzerne Legal Observer*, "a volume that is without doubt the rarest Pennsylvania law book."¹⁶³ Of the Supreme Court cases, a number of the cases were marked for inclusion "but by some accident, were omitted."

Sadler

Sylvester Sadler's *Reports* were the fourth set of nominative reports, covering cases from October 5, 1885, to March 1889, except those found in Monaghan.¹⁶⁴ These reported cases also competed with two contemporary sets that began publication in 1885, the *Central Reporter* by Lawyers Cooperative Publishing Company and the *Atlantic Reporter* by West Publishing Company. A third location for some of Sadler's cases can be found in *Weekly Notes of Cases*. Sadler also produced a one-volume digest covering all the cases included in his ten-volume set.¹⁶⁵

Monaghan

James Monaghan, who served as state reporter for volumes from 147 to 165, published his two volumes of reports in 1890–91. An 1889 act required the State Reporter to provide synopsis or summaries of court reports not approved for full coverage.¹⁶⁶ The volumes first appeared January 5, 1889, in weekly parts, "in the belief that the profession wanted access to all the decisions of the Supreme Court." Monaghan hoped to publish another volume covering cases not followed by Pennypacker. He wanted to present the issues as they appeared before the appellate courts, listing all pleadings and assignments of errors. "The omission of a single assignment of error, it is believed, would cast doubt upon the whole case." Monaghan reported the cases cited in each argument by counsel and "as far as practical, every point suggested."¹⁶⁷ He added the name of the case at the top of the left-hand-page, and a running subhead on each page

162. 1 Walker preface (1889).

163. 2 Walker [3] (1890). "None of the public libraries possess a perfect copy. Some of the cases of the appendix were obtained from the copy in the library of the Philadelphia Law Association; and the others from the original records."

164. Hewitt, *supra* note 7, at 8.

165. SYLVESTER B. SADLER, DIGEST OF CASES. VOLUMES 1–10 (Rochester, New York, Lawyers Cooperative Publishing Co., 1904).

166. Act of Mar. 28, 1889, 1889 PA. LAWS 22; "... those cases not so marked shall be condensed by the omission therefrom of all parts of the history, adjustments and opinion of the court below, not necessary to a proper understanding of the points ruled."

167. 1 Monag iii–iv (1890). He quotes Associate Supreme Court Justice Miller from an address delivered before the University of Pennsylvania Law Department, reported at 121 Pa. xxiii:

as well as the date of decision on each page. He shortened the name of the case, leaving out the prefix "In re."¹⁶⁸

Volume two covered from October 1, 1888, to March 28, 1889, including reported cases and motions for reargument. He illustrated the need for the latter by noting that in one previous case "the motion was for a collateral point and did not question the correctness of the application of the legal principles involved in the question."¹⁶⁹ In addition, some practice cases were included.

Other Sources for Supreme Court Cases

The publication of Supreme Court cases occurred in lower court reports in both full text and in abridged versions. Alexander Addison,¹⁷⁰ president judge of the fifth judicial district (Allegheny, Somerset, Washington, and Fayette counties in the late eighteenth century), published his *Reports* in 1800.¹⁷¹ This volume contained the published reports of cases from the High Court of Errors and Appeals, the highest court in Pennsylvania after the Revolution, and county court reports for his district.¹⁷² *Addison's Reports* were reprinted once in 1883 by the George T. Bisel Company.

After *Addison's Reports*, Supreme Court cases were reported in both the *Legal Intelligencer*, covering Philadelphia County, and the *Pittsburgh Legal Journal* through much of the nineteenth century. The *Weekly Notes of Cases*

The value of a decision as a precedent is very much enhanced by the care with which it has been considered, and if the opinion itself shows that other decisions of the same court, or of the other courts upon the same point, have been reviewed and examined it adds to the value of the decision made on such consideration. But a far more important element in determining the weight to be given to the opinion or decision of a court is the fact that it has been judicially decided after full argument on both sides of the case; and if the report of the case shows that counsel directed the attention of the court to the main proposition to be decided, and gave the aid of which they should always give, arising from their own careful examination of the matter, to enable the court to decide correctly, it is then a case decided by a court upon due consideration after full argument on both sides, and it necessarily carries the weight which attaches to the care with which the case has been examined.

168. *Id.*

169. 2 Monag. iii (1890).

170. John Robinson Wagner, *The Public Career of Alexander Addison* (1951) (Unpublished M.A. thesis, University of Pittsburgh).

171. ALEXANDER ADDISON, *REPORTS OF CASES IN THE COUNTY COURTS OF THE FIFTH CIRCUIT, AND IN THE HIGH COURT OF ERRORS AND APPEALS, OF THE STATE OF PENNSYLVANIA*. (Washington, Printed by John Colerick, and May Be Had of the Booksellers, in Philadelphia, 1800.) The High Court cases can be found on pages 59–121 and 327–31.

The volume is also important historically because of the grand jury charges bound after the court cases with a separate title page: *Charges to Grand Juries of the Counties of the Fifth Circuit in the State of Pennsylvania*. By Alexander Addison, President of the Courts of Common Pleas, of the Fifth Circuit. Washington, Printed by John Colerick, and May Be Had of the Booksellers, in Philadelphia. 1800. The judge was a strong Federalist and defended the Federalist policies of the late 1790s in his charges against the Jeffersonians for which he was later impeached in 1803 by the state legislature. See PETER HOFFER & N.E.H. HULL, *IMPEACHMENT IN AMERICA* (1984); STEPHEN PRESSER, *THE ORIGINAL MISUNDERSTANDING* (1991).

172. The court was established by the act of February 28, 1780 (1 SMITH'S LAWS 484 (1810)) and abolished by the act of February 24, 1806 (4 SMITH'S LAWS 270 at § xi (1810)). For a summary of the court's organization and list of judges, see MARTIN, *supra* note 7, at 64–65.

published cases from Supreme and Superior Courts as well as Philadelphia cases, and federal cases in the Eastern District. The forty-four volumes covered October 1874 to December 1899.¹⁷³

T. J. Fox Alden, a member of the Pittsburgh bar, published in three volumes a condensed version of the nominative reports from Dallas to Binney.¹⁷⁴ In a preface, dated January 5, 1850 from Pittsburgh, Alden found the various reports “are almost inaccessible to many of the legal profession, and certainly to the great mass of the community.” Finding “ignorance of the law excuseth no man,” he felt it important to present a work that “if executed according to its design, it will be worthy of the support of every class of society, as to all it will be useful.” His “design is to condense the Reports of Pennsylvania, by presenting a brief narrative of the facts of each case, so far as to enable the reader fully to understand the point adjudicated, to state the question involved, and the opinion, with the leading arguments of the Court, supporting that opinion.”¹⁷⁵ The fact that he published two of the volumes himself probably indicates that his work did not sell as well as he hoped. Otherwise, he might have continued to publish further volumes for the remaining nominative reports produced prior to the commencement of the official *Pennsylvania State Reports*.

Frederick C. Brightly, whose work as the editor of *Dallas's Reports* was noted earlier,¹⁷⁶ also published Supreme Court cases heard at nisi prius in Philadelphia in *Brightly's Nisi Prius Reports*. These reports cover the period from 1809 to 1851, with twenty-three cases from 1813 to 1851.¹⁷⁷ F. Carroll

173. Hewitt, *supra* note 7, at 18. He noted that “Such was the respect gained by the Weekly Notes, that long after the Official reports presented every case, the journal mentioned continued to be taken by many lawyers, and this too despite the existence of the Central Reporter and of the Atlantic Reporter, both of which began in 1885 . . . [I]ts interest lay chiefly in its reports of the higher tribunals. One proof of its value is the number of times its cases are cited in the Supreme Court [100].”

174. THE REPORTS OF THE SUPREME COURT OF PENNSYLVANIA, FROM THE YEAR 1754 TO THE YEAR 1844; CONDENSED BY T. J. FOX ALDEN, A MEMBER OF THE PITTSBURGH BAR. VOL. I. CONTAINING FOUR VOLUMES DALLAS' REPORTS AND ONE YEATES. Pittsburgh, Printed for the Publisher, 1850; THE REPORTS OF THE SUPREME COURT OF PENNSYLVANIA, FROM THE YEAR 1754 TO THE YEAR 1844; CONDENSED BY T. J. FOX ALDEN, A MEMBER OF THE PITTSBURGH BAR. VOL. II. CONTAINING THREE VOLUMES YEATES' REPORTS AND TWO BINNEY. Philadelphia, J. B. Hunter, Law Bookseller. Pittsburgh, T. J. Fox Alden, 1851; THE REPORTS OF THE SUPREME COURT OF PENNSYLVANIA, FROM THE YEAR 1754 TO THE YEAR 1844; CONDENSED BY T. J. FOX ALDEN, A MEMBER OF THE PITTSBURGH BAR. VOL. III. CONTAINING FOUR VOLS. BINNEY'S REPORTS AND ONE ADDISON. Philadelphia, Printed for the Publisher, 1854.

175. 1 Alden's Rep. iii-iv (1850).

176. See *supra* notes 30-32 and accompanying text.

177. FREDERICK C. BRIGHTLY, BRIGHTLY'S REPORTS OF CASES DECIDED BY THE JUDGES OF THE SUPREME COURT OF PENNSYLVANIA, IN THE COURT OF NISI PRIUS, AT PHILADELPHIA, AND ALSO IN THE SUPREME COURT. WITH NOTES AND REFERENCES TO RECENT DECISIONS (Philadelphia, 1851). Supreme Court cases are contained on pages 269 to 488. Hewitt, *supra* note 7, at 16.

Brewster,¹⁷⁸ judge of the Court of Common Pleas of Philadelphia and attorney general of Pennsylvania, published four volumes of reports, the first two covering equity, election, and other cases in Philadelphia, followed by two that included Supreme Court cases and other Philadelphia cases.¹⁷⁹

Besides court reports, legal periodicals of the mid-nineteenth century also published Supreme Court (as well as some county court) cases, both in periodicals published in Philadelphia and other cities.¹⁸⁰ It is not surprising that Supreme Court cases of general interest might be included in pre-1860 journals like *American Law Journal*,¹⁸¹ *American Jurist and Law Magazine*,¹⁸² and *Pennsylvania Law Journal*.¹⁸³ These journals reprinted the full text of cases and digests of cases from multiple states. The *American Law Register*¹⁸⁴ is probably the best known in the mid-century that digested cases in each issue, but other less known periodicals like *Livingston's Monthly Law Magazine*¹⁸⁵

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178. F. Carroll Brewster was born May 15, 1825, and died December 30, 1898. He was graduated from the University of Pennsylvania in 1841, studied law in the office of his father, and was admitted to the Philadelphia bar on September 20, 1844 (MARTIN lists it as September 7, 1844). He served as Philadelphia City Solicitor in 1863, judge of the Court of Common Pleas from 1866 through 1867, attorney general of Pennsylvania from 1869 through 1872, president of the University of Pennsylvania alumni society in 1866, Solicitor for the Philadelphia city trusts in 1869 until his death, and President of the Lawyers Club from 1892 until his death. He was the legal author of *A Treatise on Equity Practice in Pennsylvania* in 1898 and 1895, *A Treatise on Practice in the Orphans' Courts* in 1894, *A Treatise on Practice in the Pennsylvania Courts* in 1888 and 1889, and *A Treatise on the Practice in the Courts of Common Pleas of Pennsylvania* in 1891 and 1896. 3 DICTIONARY OF AMERICAN BIOGRAPHY 27 (1937); 2 TWENTIETH CENTURY BB, *supra* note 61, at 1097-98; Obituary, 5 PA. B. ASS'N REP. 259-61 (1899); MARTIN, *supra* note 7, at 251.
 179. REPORTS OF EQUITY, ELECTION, AND OTHER IMPORTANT CASES, ARGUED AND DETERMINED PRINCIPALLY IN THE COURTS OF THE COUNTY OF PHILADELPHIA. VOL. I (Philadelphia, Published by John Campbell, Law Bookseller and Publisher, 1869); REPORTS OF EQUITY, ELECTION, AND OTHER IMPORTANT CASES, ARGUED AND DETERMINED PRINCIPALLY IN THE COURTS OF THE COUNTY OF PHILADELPHIA. VOL. II (Philadelphia, Kay & Brother, Law Booksellers, Publishers, and Importers, 1870); REPORTS OF CASES DECIDED IN THE SUPREME COURT, AND OTHER COURTS OF PENNSYLVANIA. VOL. III (Philadelphia, Kay & Brother, Law Booksellers, Publishers, and Importers, 1871); REPORTS OF CASES DECIDED IN THE SUPREME COURT, AND OTHER COURTS OF PENNSYLVANIA. VOL. IV (Philadelphia, Kay & Brother, Law Booksellers, Publishers, and Importers, 1873). Hewitt found the series "of decided value" for certain cases including a murder case, the "celebrated physick" case, a slave mistress case, trade name cases, and Girard's Will case. Hewitt, *supra* note 7, at 17-18.
 180. For early nineteenth-century periodicals, see Marion Brainerd, *Historical Sketch of American Legal Periodicals*, 14 LAW LIBR. J. 63 (1921); SURRENCY, *supra* note 5, at 188-95.
 181. See e.g., 1 AM. LAW J. 168-82, 287-98 (1808); 4 AM. L.J. 110-14 (1810); 5 AM. L.J. 301-30 (1814). The *American Law Journal* was the first periodical published in the country. Hewitt counted twenty-five cases. Hewitt, *supra* note 7, at 9-10.
 182. See, e.g., 4 AM. JURIST 335-88 (1830) (digesting decisions from 1 Rawle), and 14 AM. JURIST 135-204 (1835) (digesting decisions from 1 Watts).
 183. As a Pennsylvania publication, cases from the Supreme Court and other local courts are republished in full-text or abridged version; see e.g., 3 PA. L.J. 17-23, 41-44, 110-16, 370-79 (1841); 4 PA. L.J. at 189-92, 297-98, 362-70 (1845); and 5 PA. L.J. 88-93, 173-76, 227-31, 454-55 (1846).
 184. Cases for various states were reprinted or abridged in regular sections of the *Register*; see e.g., 2 AM. L. REG. 358, 578, 781 (1868) and 3 AM. L. REG. at 583-84 (1869).
 185. 2 LIVINGSTON'S MONTHLY L. MAG. 56-58, 451-53, 462-64, 601-9, 708-14 (1854).

also digested cases. Examples of periodicals from the late-nineteenth century include the *Albany Law Journal*¹⁸⁶ and *American Law Review*.¹⁸⁷

Conclusion

The publication of the various reports containing the cases of the Supreme Court of Pennsylvania has a long and distinguished history. Representing the work of the oldest appellate court in the United States, its more than six hundred volumes are comprised of reports that contain 250 years of cases, making it one of the longest continuous sets of state reports in the country.

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186. The *Journal* published summaries and digests of cases from the federal and state courts as well as English decisions; examples of Pennsylvania decisions can be found at 2 ALB. L.J. 358–59, 476–79 (1870); 3 ALB. L.J. 393–94 (1871); and 6 ALB. L.J. 291–92 (1872).
187. The *Review* published summaries of cases from the federal and state courts as well as English decisions; examples of Pennsylvania decisions can be found at 2 AM. L. REV. 358, 578, 781 (1868); 3 AM. L. REV. 583 (1869); 4 AM. L. REV. 193–94, 401 (1869–70); and 12 AM. L. REV. 188–89, 402–03, 610–12 (1877–78).

Appendix—Bibliography of First Editions of Early Pennsylvania Nominative and Miscellaneous State Reports, Arranged Chronologically

Nominative Reports

Dallas, Alexander James. *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania, Before and Since the Revolution*. By A. J. Dallas, Esquire. *Atque eo magis necessaria est haec opera, quod et nostro saeculo non desunt, et olim non defuerunt, qui hanc juris partem ita contemnerent, quasi nihil ejus praeter inane nomen existeret*. Grotius. Philadelphia: printed, for the Reporter, by T. Bradford. MDCCXC. x, [1], 494, xxiv, [1] pp.

CONTENTS: Errata et addenda, [I]; Approval and recommendation of printing and publishing, subscribed by Thomas M'Kean, William A. Atlee, Jacob Rush, George Bryan, and Edward Shippen, and dated Philadelphia, April 29, 1790, [ii]; [Addressment of volume] to the Honorable Thomas M'Kean, Esquire, L.L.D. Chief Justice of the State of Pennsylvania, etc., [iii]–iv; Preface, [v]–vi; A table, of the names of the cases, comprised in this volume, [vii]–x; Reports of Cases—Supreme Court of Pennsylvania, [1]–29; [Acknowledgment to the those who gave access to case reports which precede the Revolution], [30]; [(Section title)]—Reports of cases, since the Revolution, [31]; [List of appointments made of justices of the Supreme Court of Pennsylvania and other officers between July 1777 and August 1778], [32]; Oyer and Terminer, etc., at Philadelphia, [33]–40; Supreme Court of Pennsylvania, 41–45; [List of appointments made of justices of the Supreme Court of Pennsylvania and other officers during course of April and September terms, 1780], [46]; Supreme Court of Pennsylvania, [47]–48; High Court of Errors and Appeals of Pennsylvania, [49]–51; Supreme Court of Pennsylvania, 52–72; Oyer & Terminer, etc. at Philadelphia, [73]–75; [List of appointments made of justices of the Court of Common Pleas of Philadelphia County, May 1784 and Prothonotary, August 1777], 76; Common Pleas, Philadelphia County, 77–83; [List of appointments and reappointments made of justices of the Supreme Court of Pennsylvania between February 1784 and August 1784], [84]; Supreme Court of Pennsylvania, [85]–94; High Court of Errors and Appeals of Pennsylvania, 95–109; Oyer and Terminer, at Philadelphia, 110–18; Common Pleas, Philadelphia County, 118–22; Supreme Court of Pennsylvania, 123–6; Common Pleas, Philadelphia County, 127–34; Supreme Court of Pennsylvania, 135–40; Common Pleas, Philadelphia County, 141–9; Oyer and Terminer, Philadelphia, 150; Court of Common Pleas, Philadelphia, 151–64; Supreme Court of Pennsylvania, 165–79; High Court of Errors and Appeals of Pennsylvania, 180–86; Common Pleas, Philadelphia, 187–92; Supreme Court of Pennsylvania, 193; Common Pleas, Philadelphia, 194–209; Supreme Court of Pennsylvania, 210–17; Common Pleas, Philadelphia, 218–28; Supreme Court of Pennsylvania, 229–35; Oyer and Terminer, Philadelphia, 236–37; Common Pleas, Philadelphia, 238–56; Supreme Court of Pennsylvania, 257–76; High Court of Errors and Appeals of Pennsylvania, 278–92; Common Pleas, Philadelphia, 293–310; Supreme Court of Pennsylvania, 311–40; Common Pleas, Philadelphia, 341–50; Supreme Court of

Pennsylvania, 351–63; Common Pleas, Philadelphia, 364–403; Supreme Court of Pennsylvania, 405–10; Common Pleas, Philadelphia, 411–14; Supreme Court of Pennsylvania, 415–38; Common Pleas, Philadelphia, 439–40; Supreme Court of Pennsylvania, 441–79; Common Pleas, Philadelphia, 480–87; Appendix: The Case of the Court of Chancery in Pennsylvania, 489–94; Index, [I]–xxiv.

- . *Reports of Cases Ruled and Adjudged in the Several Courts of the United States, and of Pennsylvania, Held at the Seat of the Federal Government*. By A. J. Dallas. Vol. II. *Atque eo magis necessaria est haec opera, quod et nostro saeculo non desunt, et olim non defuerunt, qui hanc juris partem ita contemnerent, quasi nihil ejus praeter inane nomen existeret*. Grotius. Philadelphia: printed for the Reporter, at the Auora Office, MDCCXCVII. [2], iv, 480, xix pp.

CONTENTS: Copyright notice, verso of title page; A table of the names of the cases, comprised in this volume, [I]–iv; [Reports of cases], [1]–480; Federal Court of Appeals, [1]–42; Common Pleas of Philadelphia, 43–79; Supreme Court of Pennsylvania, 80–285; High Court of Errors and Appeals, 286–93; Circuit Court, Pennsylvania District, 294–398; Supreme Court of the United States, 399–480; Index, [I]–xix; [List of appointments made of justices of the Supreme Court of the United States and other officers in September 1789, [399]; [Appointment made of a justice of the Supreme Court of the United States during its first term], [399]–400; [Appointment made of a justice of the Supreme Court of the United States during August 1790], 400; [Rule ordered by the Supreme Court of the United States during February term, 1791], 400; [Appointment made of a justice of the Supreme Court of the United States during August term, 1792], 402; [Rule stated by the Chief Justice of the Supreme Court of the United States during August term, 1792], 411–414; [Appointment made of a justice of the Supreme Court of the United States during August term, 1793], 480; Index, [I]–xix.

- . *Reports of Cases Ruled and Adjudged in the Several Courts of the United States, and of Pennsylvania, Held at the Seat of the Federal Government*. By A. J. Dallas. Vol. III. *Atque eo magis necessaria est haec opera, quod et nostro saeculo non desunt, et olim non defuerunt, qui hanc juris partem ita contemnerent, quasi nihil ejus praeter inane nomen existeret*. Grotius. Philadelphia: printed for the Reporter, by J. Ormrod. 1799. [vii], 519, xiii pp.

CONTENTS: Copyright notice, [iii]; Errata, et addenda, [iii]; A table of the names of the cases, comprised in this volume, [v]–[vii]; [Appointment made of the Attorney General of the United States in January 1794], [1]; [Reports of cases], [1]–519. Page 426 misnumbered 126; Supreme Court of the United States, [1]–460; Supreme Court of Pennsylvania, 467–509; Circuit Court, Philadelphia District, 510–19; [List of rules ordered by the Supreme Court of the United States during February term, 1795], 120; [Appointment made of a Chief Justice of the Supreme Court of the United States in July 1795], 121; [Appointment made of justices of the Supreme Court of the United States during February term, 1796], 171; [List of rules ordered by the Supreme Court of the United States during August term, 1796], 335; [Rule ordered by the Supreme Court of the United States in February 1797], 356; [Rule ordered by the Supreme Court of the United States during August term, 1797], 377; [Appointment made of a justice of the Supreme Court of the United States in December 1798], 409; Index, [I]–xiii.

- . *Reports of Cases Ruled and Adjudged in the Several Courts of the United States, and of Pennsylvania, Held at the Seat of the Federal Government*. By A. J. Dallas. Vol. IV. *Atque eo magis necessaria est haec opera, quod et nostro saeculo*

non desunt, et olim non defuerunt, qui hanc juris partem ita contemnerent, quasi nihil ejus praeter inane nomen existeret. Grotius. Philadelphia: Printed for P. Byrne, by Fry and Kammerer, 1807. [vi], 472, xxxiv, [14] pp.

CONTENTS: Copyright, verso of title page; A table of the names of the cases, comprised in this volume, [iii–vi]; Errata [vi]; [Reports of Cases], Supreme Court of the United States, [1]–46; High Court of Errors and Appeals of Pennsylvania, 47–106; Supreme Court of Pennsylvania, 107–328; Circuit Court, Pennsylvania District, 329–432; Supreme Court of Pennsylvania, [433–72]; Court of Errors and Appeals, Delaware, [I]–xxii; Appeal from New Hampshire, July 1760, [xxiii]–xv; Mayor's Court, [xxvi]–xxx; Circuit Court, Pennsylvania District, [xxxii]–xxxiv; Index, 11 unnumbered pages; Law Books Published by P. Byrne, 2 unnumbered pages.

Yeates, Jasper. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius, and in the Circuit Courts.* By the Honorable Jasper Yeates, One of the Judges of the Supreme Court of Pennsylvania. Vol. I. Philadelphia: Printed and Published by John Bioren, No. 88 Chestnut Street, 1817. [viii], 627 pp.

CONTENTS: Copyright, verso; advertisement, [I]; blank page, [ii]; Table of Cases, [iii]–vii; Memorandum, [viii] (provides dates of Thomas McKean appointed chief justice on January 29, 1791, McKean and Edward Shippen commissioned March 14, 1791, and Yeates appointed March 21, 1791, commission published April 2, 1791); Cases in the Supreme Court, [1]–588; Index of the Principal Matters, [589]–627. Covers cases from April 1791–October 1795.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius, and in the Circuit Courts.* By the Honorable Jasper Yeates, One of the Judges of the Supreme Court of Pennsylvania. Vol. II. Philadelphia: Printed and Published by John Bioren, No. 88 Chestnut Street, 1818. [viii], 619 pp.

CONTENTS: Copyright, [ii]; Table of Cases, [iii]–vii; blank page, [viii]; Cases in the Supreme Court, [1]–588; Index of the Principal Matters, [589]–619. Covers from December 1795–March 1800.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius, and in the Circuit Courts.* By the Honorable Jasper Yeates, One of the Judges of the Supreme Court of Pennsylvania. Vol. III. Philadelphia: Printed and Published by John Bioren, No. 88 Chestnut Street, 1818. vi, 618 pp.

CONTENTS: Copyright, [ii]; Table of Cases, [iii]–vi; Cases in the Supreme Court, [1]–591; Index of the Principal Matters, [593]–618. Covers from April 1800–November 1803.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius, and in the Circuit Courts.* By the Honorable Jasper Yeates, One of the Judges of the Supreme Court of Pennsylvania. Vol. IV. Philadelphia: Printed and Published by John Bioren, No. 88 Chestnut Street, 1819. vi, 601 pp.

CONTENTS: Copyright, [ii]; Table of Cases, [iii]–vi; Cases in the Supreme Court, [1]–578; Index of the Principal Matters, [579]–601. Covers from December 1803–September 1808.

Binney, Horace. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania.* By

Horace Binney. Vol. I. Philadelphia: Published by William P. Farrand Add Co., 1809. xviii, 639 pp.

CONTENTS: Copyright, 1808 [ii]; Preface [iii]–v; Judges of the Supreme Court of Pennsylvania, [vii]; Table of Cases, [ix]–xii; Table of the Cases Contained in Part I, [xiii]–xv; Table of Cases Contained in Part II, [xvii]–xviii; Cases in the Supreme Court of Pennsylvania, [1]–618; An Index to Principal Matters, [619]–639.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Horace Binney. Vol. II. Philadelphia: Published by Farrand and Nicholas. 1810. viii, 619 pp.

CONTENTS: Copyright, [ii]; Judges, [iii]; Table of Cases, [v]–viii; Errata, viii; Cases in the Supreme Court of Pennsylvania, [1]–573; Supreme Court of Pennsylvania, Nisi Prius, 574–81; Common Pleas of Philadelphia, 582–94; An Index to Principal Matters, [595]–619. Two-page advertisement: Law Books Recently Published by Farrand and Nicholas.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Horace Binney. Vol. III. Philadelphia: Published by Farrand and Nicholas. 1811. viii, 647 pp.

CONTENTS: Copyright, [ii]; Judges, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–592; Appendix: The Report of the Judges of the Supreme Court of the Commonwealth of Pennsylvania, Made in Pursuance of an Act of the General Assembly of the Said Commonwealth, Passed on the Seventh Day of April 1807, Reported to the Senate and House of Representatives on the 19th and 20th of December 1808, [593]–626; Index to Principal Matters, [627]–47.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Horace Binney. Vol. IV. Philadelphia: Published by Moses Thomas, No. 52 Chestnut Near Second Street. Printed by William Fry. 1812. vii, 570 pp.

CONTENTS: Copyright, [ii]; Judges, [iii]; Table of Cases, [v]–vii; Erratum, [viii]; Cases in the Supreme Court of Pennsylvania, Middle District, June Term, 1811, [1]–542; Index of the Principal Matters, [543]–70; Advertisement of Moses Thomas, Bookseller and Stationer, No. 52 Chestnut Street, Philadelphia, has for Sale an Extensive and Valuable Collection of Law Books . . . , [5 unnumbered pages].

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Horace Binney. Vol. V. Philadelphia: Published by Moses Thomas, No. 52 Chestnut Near Second Street. Printed by William Fry. 1813. viii, 660 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of the Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, 1–630; Index of the Principal Matters, [631]–60; Advertisement of Moses Thomas . . . , [2 unnumbered pages].

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Horace Binney. Vol. VI. Philadelphia: Published by Moses Thomas, No. 52 Chestnut Near Second Street. Printed by William Fry. 1815. viii, 606 pp.

CONTENTS: Copyright, [ii]; Judges, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–516; General Index, [517]–606.

Sergeant, Thomas, and William Rawle, Jr. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. I. Philadel-

phia: Published by Philip H. Nicklin, No. 175 Chestnut Street. A. Small, Printer. 1818. xii, 584 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–v; Judges of the Supreme Court of Pennsylvania, [vii]; Table of Cases, [ix]–xii; Cases in the Supreme Court of Pennsylvania, [1]–557; Index to the Principal Matters, [561]–84.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. II. Philadelphia: Published by Philip H. Nicklin, Law Bookseller, No. 175 Chestnut Street. A. Small, Printer. 1820. viii, 588 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–552; Appendix, [553]–62; Index to the Principal Matters, [563]–88.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. III. Philadelphia: Printed and Published by Abraham Small, No. 165 Chestnut Street. 1821. viii, 629 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–610; Index to the Principal Matters, [611]–29.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. IV. Philadelphia: Printed and Published By Abraham Small, No. 165 Chestnut Street. 1821. viii, 588 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–571; Index to the Principal Matters, [573]–88.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. V. Philadelphia: Printed and Published by Abraham Small, No. 165 Chestnut Street. 1822. viii, 576 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Errata, [viii]; Cases in the Supreme Court of Pennsylvania, [1]–537; Appendix, [540]–44; Court of Oyer and Terminer of the City and County of Philadelphia, January Session, 1816, [545]–52; Index to the Principal Matters, [553]–76.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. VI. Philadelphia: Printed and Published By Abraham Small, No. 165 Chestnut Street. 1823. viii, 620 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–558; Appendix, [559]–76; Oyer and Terminer of the City and County of Philadelphia, [577]–99; Rules of Court, [600]; Index to the Principal Matters, [601]–20.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. VII. Philadelphia: Printed and Published By Abraham Small, No. 165 Chestnut Street. 1823. vii, 582 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–566; Index to the Principal Matters, [566]–82.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. VIII. Philadelphia: Printed and Published by Abraham Small, No. 165 Chestnut Street. 1824. viii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania,

[iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–582; Index to the Principal Matters, [583]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. IX. Philadelphia: Printed and Published By M'Carty & Davis, No. 171 Market Street. 1825. vii, 480 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–455; Index to the Principal Matters, [457]–80.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. X. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1825. viii, 482 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Errata in Vol. IX, [viii]; Cases in the Supreme Court of Pennsylvania, Lancaster District, May Term, 1823, [1]–456; Index to the Principal Matters, [457]–82.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. XI. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1826. vii, 488 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, Eastern District, March Term, 1824, [1]–454; Index to the Principal Matters, [455]–88.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. XII. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1827. vii, 484 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–434; Appendix, [435]–61; Index to the Principal Matters, [463]–84.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. XIII. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1827. viii, 478 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–454; Index to the Principal Matters, [455]–78.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. XIV. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1828. vii, 477 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–450; Index to the Principal Matters, [451]–77.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. with a General Index, and Table of Cases. Vol. XV. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1828. 498 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Cases in the Supreme Court of Pennsylvania, Southern District, October Term, 1826, [1]–484; Appendix, [221]–40; General Index to the Principal Matters in these Reports, [241]–484; Table of Cases, [486]–98.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas

Sergeant & Wm. Rawle, Jun. Vol. XVI. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1829. vii, 476 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–424; Appendix, [426]–36; An Eulogium upon the Hon. William Tilghman, Late Chief Justice of Pennsylvania, [437]–56; Index to the Principal Matters, [457]–76.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Thomas Sergeant & Wm. Rawle, Jun. Vol. XVII. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1829. vii, 474 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, Southern District, October Term, 1827, [1]–458; Obituary Notice Thomas Duncan, [459]–60; Index, [459]–74. Pages for the index begin with another page 459.

Rawle, William, Jr. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jun. Vol. I. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1829. viii, 481 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Preface, [v]; Table of Cases, [vii]–viii; Cases in the Supreme Court of Pennsylvania, [1]–460; Index, [461]–81.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jun. Vol. II. Philadelphia: Printed and Published by M'Carty & Davis, No. 171 Market Street. 1831. vii, 476 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–454; Index, [455]–76.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jun. Vol. III. Philadelphia: P. H. Nicklin and T. Johnson, Lawbook Sellers, No. 175 Chestnut Street. 1833. vi, 523 pp.

CONTENTS: Frontispiece; Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vi; Cases in the Supreme Court of Pennsylvania, [2]–485; Appendix, a few cases accidentally omitted in their proper places, are here introduced, 487–504; Index, [505]–23.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jun. Vol. IV. Philadelphia: P. H. Nicklin and T. Johnson, Lawbook Sellers, No. 175 Chestnut Street. 1834. vii, 508 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [2]–484; Index, [485]–508.

———. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jun. Vol. V. Philadelphia: P. H. Nicklin and T. Johnson, Lawbook Sellers, No. 2 South Sixth Street. 1836. viii, 391 pp.

CONTENTS: Copyright, [ii]; Advertisement, [iii]; Judges of the Supreme Court of Pennsylvania, [v]; Table of Cases, [vii]–viii; Cases in the Supreme Court of Pennsylvania, [2]–369; Index, [371]–91.

Rawle, William, Jr., Charles B. Penrose, and Frederick Watts. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By William Rawle, Jr., Charles B. Penrose, and Frederick Watts, Counsellors at Law. Vol. I. vi, 537 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania,

[iii]; Table of Cases, [v]–vi; Cases in the Supreme Court of Pennsylvania, [1]–505; Index, [507]–37.

Penrose, Charles B., and Frederick Watts. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By Charles B. Penrose and Frederick Watts, Counsellors at Law. Vol. II. Carlisle: Geo. Fleming, 1833. viii, 537 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–505; Index, [507]–37.

———. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By Charles B. Penrose and Frederick Watts, Counsellors at Law. Vol. III. Carlisle: Printed by Geo. Fleming. 1833. viii, 566 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–[viii]; Cases in the Supreme Court of Pennsylvania, [1]–534; Tabular Index, [535]–41; Index to the Principal Matters, [543]–66.

Watts, Frederick. *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. I. May 1832 to June 1833. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXIV. vii, 562.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–540; Index, [541]–62.

———. *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. II. June 1833 to September 1834. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXV. viii, 528 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Errata, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–502; Index, [503]–28.

———. *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. III. September 1834 to May 1835. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXVI. viii, 520 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Errata, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, Western District, September Term, 1834, [1]–500; Index, [501]–20.

———. *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. IV. May to September 1835. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXVI. viii, 526 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Errata, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–475; Appendix, [477]–83; Index, [486]–526.

———. *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. V. May to October 1836. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXVII. viii, 561 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Errata, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–547; Addenda, [548]–64; Index, [565]–61.

- . *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. VI. May to September 1837. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXVIII. viii, 601 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Regula Generalis, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–560; Index, [561]–601.

- . *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. VII. May to September 1838. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: John I. Kay & Co. MDCCCXXXIX. viii, 624 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–588; Index, [559]–624.

- . *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. VIII. May to September 1839. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: C.H. Kay & Co. MDCCCXL. viii, 592 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–552; Index, [553]–92.

- . *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. IX. September 1839 to May 1840. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: C. H. Kay & Co. MDCCCXLI. viii, 603 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–572; Index, [573]–603.

- . *Reports of Cases Argued and Determined in the Supreme Court of Pennsylvania*. By Frederick Watts, Counsellor at Law. Vol. X. July to September 1840. Philadelphia: James Kay, Jun. & Brother, 122 Chestnut Street. Pittsburgh: C.H. Kay & Co. MDCCCXLI. vii, 523 pp.

CONTENTS: Copyright, [ii]; Supreme Court of Pennsylvania, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–476; Index, [477]–523.

- Wharton, Thomas I. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania in the Eastern District*. By Thomas I. Wharton. Vol. I. Containing the Cases Decided at December Term, 1835, and March Term, 1836. Philadelphia: P. H. Nicklin and T. Johnson, Law Booksellers, No. 2 South Sixth Street. 1836. vii, 561 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports [iii]; Errata, [iv]; Table of the Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, 1–524; Appendix, 525–538; An Index to the Principal Matters, [539]–61.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania in the Eastern District*. By Thomas I. Wharton. Vol. II. Containing the Cases Decided at December Term, 1836, and March Term, 1837. Philadelphia: P. H. Nicklin and T. Johnson, Law Booksellers, No. 2 South Sixth Street. 1837. vii, 592 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania

During the Period of These Reports [iii]; Memoranda and Errata, [iv]; Table of the Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–567; An Index to the Principal Matters, [569]–92.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania in the Eastern District*. By Thomas I. Wharton. Vol. III. Containing the Cases Decided at December Term, 1837, and March Term, 1838. Philadelphia: P. H. Nicklin and T. Johnson, Law Booksellers, No. 2 South Sixth Street. 1838. vii, 638 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports [iii]; Memoranda and Errata, [iv]; Table of the Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–608; An Index to the Principal Matters, [609]–38. P. [9] has *Regula Generalis*, dated December 14, 1837.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania in the Eastern District*. By Thomas I. Wharton. Vol. IV. Containing the Cases Decided at December Term, 1838, and March Term, 1839. Philadelphia: T. & J. W. Johnson, Law Booksellers, Successors to Nicklin & Johnson, No. 5 Minor Street. 1839. vii, 634 pp.

CONTENTS: Flypage: New Law Books: Advertisement for *Bouvier's American Law Dictionary*; recto page: *Russell & Ryan's Crown Cases* and *Moody's Crown Cases*. Title page, [i]; Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports [iii]; Memoranda [iv]; Table of the Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–606; An Index to the Principal Matters, [607]–34.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania in the Eastern District*. By Thomas I. Wharton. Vol. V. Containing the Cases Decided at December Term, 1839, and March Term, 1840. Philadelphia: T. & J. W. Johnson, Law Booksellers, Successors to Nicklin & Johnson, No. 5 Minor Street. 1840. vii, 630 pp. Title page [i].

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Memoranda, [iv]; Table of the Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–597; An Index to the Principal Matters, [599]–630.

- Watts, Frederick, and Henry Sergeant. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. I. Containing the Cases Decided in May Term and Part of July Term, 1841. Philadelphia: James Kay, Jun. and Brother, 122 Chestnut Street. Pittsburgh: C. H. Kay. 1842. vii, 597 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–558; Index, [559]–97.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. II. Containing the Cases Decided in Part of July Term, in September Term, and Part of December Term, 1841. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. vii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–573; Index, [575]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. III. Containing the Cases Decided in

Part of December Term 1841, in March Term, May Term and Part of June Term, 1842. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. vii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [5]–vii; Cases in the Supreme Court of Pennsylvania, [1]–567; Index, [569]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. IV. Containing the Cases Decided in Part of July Term, in September Term, and Part of December Term, 1842. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. viii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Memorandum, [iv]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–573; Index, [575]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. V. Containing the Cases Decided in Part of December Term 1842, in March Term, May Term and Part of July Term, 1843. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1844. viii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–566; Index, [567]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. VI. Containing the Cases Decided in September Term and December Term 1843, and Part of March Term, 1844. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. viii, 600 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [v]–viii; Cases in the Supreme Court of Pennsylvania, [1]–569; Index, [571]–600.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. VII. Containing the Cases Decided in Part of March Term, in May Term, July Term, and Part of September Term, 1844. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. vii, 502 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table Of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–471; Index, [473]–502.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. VIII. Containing the Cases Decided in Part of September Term, and in December Term 1844, and in March Term, 1845. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. vii, 493 pp.

CONTENTS: Copyright, [ii]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [iii]; Table of Cases, [v]–vii; Cases in the Supreme Court of Pennsylvania, [1]–470; Index, [471]–93.

- . *Reports of Cases Adjudged in the Supreme Court of Pennsylvania*. By Frederick Watts and Henry J. Sergeant. Vol. IX. Containing the Cases Decided in

Part of May Term, 1845. With a General Index of the Principal Matters Contained in the Nine Volumes of Watts and Sergeant's Reports, and a Table of All the Cases in the Same. Philadelphia: James Kay, Jun. and Brother, 183½ Market Street. Pittsburgh: C. H. Kay. 1846. viii, 502 pp.

CONTENTS: Blank page, [i]; Fly Sheet, To the Bar of Pennsylvania, [ii]; Title page, [iii]; Copyright, [iv]; Judges of the Supreme Court of Pennsylvania During the Period of These Reports, [v]; Table of Cases, [vii]–viii; Cases in the Supreme Court of Pennsylvania, [1]–211; General Index to the Principal Matters in the Nine Volumes of Watts and Sergeant's Reports, [213]–466; General Table of Cases in the Nine Volumes of Watts and Sergeant's Reports, [467]–502.

Miscellaneous State Reports

Grant, Benjamin. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By Benjamin Grant. Vol. I. Philadelphia: for sale by H. P. & R. H. Small, Law Bookseller and Publishers, No. 21 S. Sixth Street, 1859. xv, [17]–600 pp.

CONTENTS: Copyright, [vi]; Preface, [vii]–viii; Justices of the Supreme Court of Pennsylvania, During the Period of the Decisions Reported in this Volume, [ix]–x; Present Organization of the Supreme Court, [xi]; Table of Cases, [xiii]–xv; Cases in the Supreme Court of Pennsylvania, [17]–534; Table of Contents [535]–600.

———. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By Benjamin Grant. Vol. II. Philadelphia: for sale by H. P. & R. H. Small, Law Bookseller and Publishers, No. 21 S. Sixth Street, 1861. xvi, [17]–567 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Justices of the Supreme Court of Pennsylvania, [v]–vi; Justices of the Supreme Court of Pennsylvania, Since the Revolution, [vii]–viii; Attorneys-General of Pennsylvania, Since the Revolution, [x]; Present Organization of the Supreme Court of Pennsylvania, [xi]; Table of Cases, [xiii]–xvi; Cases in the Supreme Court of Pennsylvania, [17]–522; Table of Contents, [523]–567.

———. *Reports of Cases Argued and Adjudged in the Supreme Court of Pennsylvania*. By Benjamin Grant. Vol. III. Philadelphia: John Campbell, Law Bookseller and Publishers, 419 Chestnut Street. 1864. xvi, 606 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Judges of the Courts of Common Pleas, [v]; Present Organization of the Supreme Court of Pennsylvania, [vii]; Table of Cases, [ix]–xvi; Cases in the Supreme Court of Pennsylvania, [17][1]–568; Table of Contents, [569]–606.

Walker, Lewis B. *Reports of Cases Decided by the Supreme Court of Pennsylvania Which Have Been Omitted from the Regular Reports*. By Lewis B. Walker, Esq. Vol. I. Pottsville, Pa.: Standard Publishing Co., 1889. [viii], 551 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Tables of the Names of the Cases Reported in This Volume, [v]–vii; Table of Cases and Acts of Assembly Cited in the Opinions of the Supreme Court, [viii]; Cases of the Supreme Court of Pennsylvania, [1]–535 (misnumbered 335); Index, [536]–51.

———. *Reports of Cases Decided by the Supreme Court of Pennsylvania Which Have Been Omitted from the Regular Reports*. By Lewis B. Walker, Esq. Vol. II. Pottsville, Pa.: Standard Publishing Co., 1890. 568 pp.

CONTENTS: Copyright, [2]; Preface, [3]; Errata, [4]; Tables of the Names of the Cases Reported in This Volume, [5]–7; Table of Cases Contained in 4

Luzerne Legal Observer, [8]–9; Table of Cases Cited, [10]–13; Table of Acts of Assembly Cited, [14]; [15–16] blank; Cases of the Supreme Court of Pennsylvania, [17]–552; Index, [553]–68.

- . *Reports of Cases Decided by the Supreme Court of Pennsylvania Which Have Been Omitted from the Regular Reports*. By Lewis B. Walker, Esq. Vol. III. Pottsville, Pa.: Standard Publishing Co., 1892. x, 518 pp.

CONTENTS: Copyright, [ii]; Tables of the Names of the Cases Reported in This Volume, [iii]–v; Table of Acts of Assembly Cited, [vi]; Table of Cases Cited, [vii]–x; [11–12] blank; Cases of the Supreme Court of Pennsylvania, [13]–506; Index, [507]–18.

- . *Reports of Cases Decided by the Supreme Court of Pennsylvania Which Have Been Omitted from the Regular Reports*. By Lewis B. Walker, Esq. Vol. IV. Pottsville, Pa.: Chronicle Publishing Co., 1901. 524 pp.

CONTENTS: Copyright, [2]; Tables of the Names of the Cases Reported in This Volume, [3]–8; Table of Acts of Assembly Cited, [9]–10; Table of Cases Cited, [11]–12; Cases of the Supreme Court of Pennsylvania, [13]–510; Index, [511]–24.

- Pennypacker, Samuel. *Pennsylvania Supreme Court Reports, Containing Cases in Law and Equity Adjudged in the Supreme Court of Pennsylvania, Being Those Cases Not Designated to Be Reported by the State Reporter*. By Samuel W. Pennypacker, of the Philadelphia Bar. Vol. I. Cases of May and October and November Terms, 1881. Philadelphia: Rees Welsh & Co., 1882. xvi, 590 pp.

CONTENTS: Copyright, [iv]; Preface, [v]; Judges of the Supreme Court, January 1, 1881, [vii]; Judges of the Courts of Common Pleas, January 1, 1881, [ix]–x; Table of the Names of the Cases Reported in this Volume, [xi]–xiii; Cases Cited in the Opinions of the Supreme Court, [xv]–xvi; Cases in the Supreme Court of Pennsylvania, [1]–518; Index, [519]–90.

- . *Pennsylvania Supreme Court Reports, Containing Cases in Law and Equity Adjudged in the Supreme Court of Pennsylvania, Being Those Cases Not Designated to Be Reported by the State Reporter*. By Samuel W. Pennypacker, of the Philadelphia Bar. Vol. II. Cases of January Term, 1882. Philadelphia: Rees Welsh & Co., 1884. xix, 604 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Judges of the Supreme Court of Pennsylvania, January 1, 1882, [v]; Judges of the Courts of Common Pleas, January 1, 1882, [vii]–viii; Table of the Names of the Cases Reported in this Volume, [ix]–xi; Cases Cited in the Opinions of the Supreme Court, [xiii]–xiv; Judges Whose Decisions Appear in this Volume, [xv]; Masters, Referees, Auditors, and Commissioners Whose Findings Appear in This Volume, [xvi]; Counsel Whose Cases Appear in This Volume, [xvii]–xix; Cases in the Supreme Court of Pennsylvania, [1]–511; Index, [513]–604.

- . *Pennsylvania Supreme Court Reports, Containing Cases in Law and Equity Adjudged in the Supreme Court of Pennsylvania, Being Those Cases Not Designated to Be Reported by the State Reporter*. By Samuel W. Pennypacker, of the Philadelphia Bar. Vol. III. Cases of Various Terms, 1882 and 1883. Philadelphia: Rees Welsh & Co., 1885. xix, 645 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Judges of the Courts of Common Pleas, January 1, 1883, [v]–vi; Table of the Names of the Cases Reported in this Volume, [vii]–ix; Cases Cited in the Opinions of the Supreme Court, [xi]–xiv; Judges Whose Decisions Appear in this Volume, [xv]; Masters, Referees, Audi-

tors, and Commissioners Whose Findings Appear in this Volume, [xvi]; Counsel Whose Cases Appear in this Volume, [xvii]–xix; Cases in the Supreme Court of Pennsylvania, [1]–551; Index, [553]–645.

———. *Pennsylvania Supreme Court Reports, Containing Cases in Law and Equity Adjudged in the Supreme Court of Pennsylvania, Being Those Cases Not Designated to Be Reported by the State Reporter*. By Samuel W. Pennypacker, of the Philadelphia Bar. Vol. IV. Cases of Various Terms, 1884. Philadelphia: Rees Welsh & Co., 1886. xvii, 619 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Judges of the Courts of Common Pleas, January 1, 1884, [v]–vi; Table of the Names of the Cases Reported in this Volume, [vii]–ix; Cases Cited in the Opinions of the Supreme Court, [xi]–xii; Judges Whose Decisions Appear in this Volume, [xiii]; Masters, Referees, Auditors, and Commissioners Whose Findings Appear in this Volume, [xiv]; Counsel Whose Cases Appear in this Volume, [xv]–xvii; Cases in the Supreme Court of Pennsylvania, [1]–516; Index, [517]–619.

Sadler, Sylvester B. *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889*. By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. I. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. xx, 622 pp.

CONTENTS: Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Copyright, [vi]; Judges of the Courts below During the Period of These Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xviii; Cases Cited in the Opinions of the Supreme Court, [xix]–xx; Cases in the Supreme Court of Pennsylvania, [1]–589; Index, [591]–622.

———. *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889*. By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. II. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. [xvii], 603 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of These Reports, [v]; Judges of the Courts below During the Period of These Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xvi; Cases Cited in the Opinions of the Supreme Court, [xvii]; Cases in the Supreme Court of Pennsylvania, [1]–576; Index, [577]–603.

———. *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889*. By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. III. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. xviii, 617 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of These Reports, [v]; Judges of the Courts below During the Period of These Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xv; Cases Cited in the Opinions of the Supreme Court, [xvii]–xviii; Cases in the Supreme Court of Pennsylvania, [1]–590; Index, [591]–617.

———. *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889*. By Sylvester B. Sadler, A.M., LL.B., Author of *Criminal and Penal Procedure in Pennsylvania*.

Vol. IV. Rochester, New York: Lawyers' Cooperative Publishing Co., 1904. xviii, 625 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below, [vii]–x; Table of Cases Reported in this Volume, [xi]–xvi; Cases Cited in the Opinions of the Supreme Court, [xvii]–xviii; Cases in the Supreme Court of Pennsylvania, [1]–596; Index, [597]–625.

- . *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889.* By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. V. Rochester, New York: Lawyers' Cooperative Publishing Co., 1904. [xv], 626 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xiv; Cases Cited in the Opinions of the Supreme Court, [xv]; Cases in the Supreme Court of Pennsylvania, [1]–603; Index, [605]–26.

- . *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889.* By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. VI. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. [xv], 623 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xiv; Cases Cited in the Opinions of the Supreme Court, [xv]; Cases in the Supreme Court of Pennsylvania, [1]–601; Index, [603]–23.

- . *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889.* By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. VII. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. xvi, 660 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xiv; Cases Cited in the Opinions of the Supreme Court, [xv]–xvi; Cases in the Supreme Court of Pennsylvania, [1]–633; Index, [635]–60.

- . *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889.* By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. VIII. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. xvi, 665 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xv; Cases Cited in the Opinions of the Supreme Court, [xvi]; Cases in the Supreme Court of Pennsylvania, [1]–633; Index, [635]–665.

- . *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889.* By Sylvester B.

Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. IX. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. xvii, 665 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xvi; Cases Cited in the Opinions of the Supreme Court, [xvii]; Cases in the Supreme Court of Pennsylvania, [1]–634; Index, [635]–65.

———. *Cases in the Supreme Court of Pennsylvania Being Those Cases Not Designated to Be Reported by the State Reporter. From 1885 to 1889*. By Sylvester B. Sadler, A.M., LL.B. Author of *Criminal and Penal Procedure in Pennsylvania*. Vol. X. Rochester, New York: The Lawyers' Cooperative Publishing Co., 1904. [xvii], 670 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]–iv; Justices of the Supreme Court of Pennsylvania During the Period of these Reports, [v]; Judges of the Courts below During the Period of these Reports, [vii]–x; Table of Cases Reported in this Volume, [xi]–xvi; Cases Cited in the Opinions of the Supreme Court, [xvii]; Cases in the Supreme Court of Pennsylvania, [1]–636; Index, [637]–70.

Monaghan, James. *Cases in the Supreme Court of Pennsylvania. Being Reports of All the Cases Not Reported in the State Reports, from October 1, 1888, with Some Prior Cases*. Vol. I. Edited by James Monaghan of the West Chester Bar. Assisted by the Following Members of the Philadelphia Bar: Albert B. Weimer, 512 Walnut St., Associate Editor; Howard J. Lukens, 225 South Sixth St.; Thomas Reath, 119 South Fourth St.; T. Elliott Patterson, 229 South Sixth St.; James C. Sellers, 438 Drexel Building; Wm. M. Stewart, Jr., 738 Drexel Building; and the Following Members of the West Chester Bar: William T. Barber, Wilmer W. MacElree, and William S. Windle. Philadelphia: George T. Bisel & Co., Law Publisher and Bookseller, 730 Sansom Street, [1890]. [xxxiv], 810 pp.

CONTENTS: Copyright, [ii]; Preface, iii–iv; Judges of the Supreme Court and Judges of the County Courts, v–vii; Counties Composing the Various Judicial Districts, viii; Judicial Districts, With the Judges Presiding Over the County Courts During the Period of these Cases, ix–x; Errata, x; Cases Reported, xi–xxvi; Cases Cited, etc., xxvii–xlvi; Acts of Assembly Construed, xlvi–xlvi; Cases in the Supreme Court of Pennsylvania, [1]–768; Index by Howard J. Lukens, Esq., of the Philadelphia Bar, [769]–810.

———. *Cases in the Supreme Court of Pennsylvania. Being Reports of All the Cases Not Reported in the State Reports, from October 1, 1888, with Some Prior Cases*. Vol. II. Edited by James Monaghan of the West Chester Bar. Assisted by the Following Members of the Philadelphia Bar: Albert B. Weimer, 512 Walnut St., Associate Editor; Howard J. Lukens, 225 South Sixth St.; Wm. M. Stewart, Jr., 738 Drexel Building. Philadelphia: George T. Bisel, Law Publisher and Bookseller, 738 Sansom Street, [1890]. xxxiv, 816 pp.

CONTENTS: Copyright, [ii]; Preface, [iii]; Judges of the Supreme Court and Judges of the County Courts, [v]–vii; Counties Composing the Various Judicial Districts, [viii]; Judicial Districts, With the Judges Presiding Over the County Courts During the Period of these Cases, [ix]–x; Cases Reported, [xi]–xxv; Cases Cited, etc., [xxvi]–xxxiii; Acts of Assembly Construed, [xxxiv]; Cases in the Supreme Court of Pennsylvania, [1]–776; Index by Albert B. Weimer, Esq., of the Philadelphia Bar, [777]–816.