

conversely, to establish that the origin of every system of positive law inheres in discrete decisions, or case-law, rather than in an homogeneous embodiment of principles and rules promulgated by some creative lawgiver at a particular time. In this Code, King Hammurabi collected the themistes, or decrees of the judges, as they came down to his time from a still greater antiquity. The various articles of his Code bear upon them the indelible stamp of judicial origin. An examination of the document will shew that the ancients exacted great excellence from their judges. Art. 5 says: "If a judge try a case, reach a decision and present his judgment in writing; if later, error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgment." Modern civilization has relaxed the rigour of judicial constraint, and, taking everything into consideration, wisely, we venture to think. As regards the conception of contractual obligation, the ancient Babylonians would seem to have been more advanced than the English of three thousand years later in the world's history. In the Code of Hammurabi, we have a fairly complete system of conventional law; while, as Professor Maitland tells us in his introduction to "Bracton and Azo" (Selden Soc. Pub. vol. 8, p. xix), Bracton was obliged to go to the Institutes of Justinian for the general principles of a law of contract. In short, it may be frankly confessed that nowhere does the philosophy of the common law become so tenuous as in the domain of contract.

We are assured that the authenticity of this remarkable body of archaic law is beyond cavil, and its importance to the student of comparative jurisprudence is incalculable.

THE ALASKA BOUNDARY COMMISSION.

Under apparently fair and carefully expressed articles the Alaska-Canada Boundary Dispute is by a Treaty-Convention signed at Washington on the 24th January, 1903, to be referred to a tribunal of six impartial jurists of repute who shall consider judicially seven questions which involve the true course of the boundary line described in the Anglo-Russian Treaty of 1825. With but three matters to which we shall refer, the Treaty, if loyally worked out according to its express terms and true mean-