

and the lawyers. Bentham says:—"It affords for the manufactory of real law a stock of materials which is beyond price. All the libraries of Europe would not afford a collection of cases equal in variety, in amplitude, in clearness of statement, in a word, in all points taken together in instructiveness."

But they are to the legislator, the lawyer and especially to the people a dense and trackless forest, rioting in the luxuriousness of its own riches. It has growth of shrub and clinging vine and tangled under-brush, also great decisions like trees of giant bole which have weathered the tempest shocks of centuries.

What then is the remedy? What else can it be but to compress, to write the principles which have been settled by decisions or statute in a well arranged Code? In 1886 the American Bar Association, led by David Dudley Field and John F. Dillon, after hearing a number of eminent lawyers, resolved:—"The law itself shall be reduced, so far as its substantive principles are settled, to the form of a statute."

Of the three varieties of codification the one thus suggested seems the most likely to be adopted because the least disturbing and the most practicable, namely the preparation and legislative enactment of a digest of the established principles of the existing law.

A second form of codification is to use the existing law as a base and amend it as may be deemed advisable for the purpose of removing anomalies and then enacting it as amended. This was the principle under which the French Civil Code was formed and it has stood the test of a century with but little change. The Roman Code upon which it was based has the longest known history of any set of human institutions.

The third form is a philosophic code as advocated by Bentham, the adoption of a purely ideal system of laws founded on reason and natural justice. This, however, is not feasible, for no people are likely to abandon the reasonably good body of law evolved in their country for the scheme of a philosopher however excellent. No code of the English law or any of its branches has been of the third class.