The uses for which the author designed the volume are briefly as follows:—

To do as far as it goes the ordinary service of a Treatise for Judges and Practitioners in the Criminal Courts;—to be read and consulted by Lawyers whose duties are in the Civil Courts, and who need, as all do, to have some acquaintance with the Criminal Law;—to be read by Law Students, Magistrates, and non-professional Statesmen and Legislators, and by others who may wish to discipline and inform their minds by such an acquaintance as it will give them, with the nature of Common Law and the science of Law in general. From its excellence as a text-book, the new ground it covers, its elementary character, and its general plan, we have no hesitation in saying, that it is in our judgment eminently adapted for the uses to which it was designed, and we strongly recommend it to the notice of our Canadian readers.

Of the style and method of reasoning which the learned author employs, every reader will form his own opinion; perhaps there are some passages where metaphor and simile might, by the English critic, be said too much to abound; but Mr. Bishop's whole heart is evidently in his subject, and the deep thought has the warm utterance. Venerating the "noble Common Law," filled with admiration at the astuteness and justice which guided "the antient resolutions of the Courts given at times when precedents were few, and truth and justice were young and vigorous," the Christian jurist has not failed to recognize the great truth which underlays all—that human laws are without vitality unless sustained by the religious principle, and that human happiness is only to be secured by following the laws set forth on the great authority of "the wonderful counsellor—the Prince of peace."

If there be any who would urge that the writer has not dug up truths unknown before, such an one must at least admit that the novel and attractive reproduction of familiar subjects will always invite the mind to a second, a closer and more intelligent view; and the author will find many minds to whom his turn of thought and expression are congenial.

In a general point of view, the work will, we are convinced, tend to dissipate false and injurious notions respecting jurisprudence—for "the advancement of knowledge is the only effectual way of decomposing error."

For the present we leave Mr. Bishop's Commentary, subjoining a couple of paragraphs, taken at random, as specimens of the work: in our next number we hope to find room for more.

BOOK II., CAP. 6, *SECS.* 110, 111 & 112.

The Elasticity of Statutes.—A part of the last chapter was occupied with showing how the various principles of the common and statutory law operate upon, and expand and contract, one another. The object of the present chapter is apparently similar, yet essentially different, namely, to show how statutes are restricted and extended in their meaning, to meet the general purpose and intent of the legislature, and the demands of justice. We have already seen, that courts look beyond the letter into the sense of written laws; yet that they ascertain this true sense only by an examination of the words, variously compressed and enlarged by the surrounding circumstances, and by the operation of the common law rules of interpretation. Some statutes are, therefore, more elastic than others; and it would seem to be the general tendency of the law, in modern times, to adhere more closely, yet less captiously, to the letter, than formerly. Courts, also, are less ready to extend statutes, so as to include cases within the mischief but not within the words, than to restrain them, so as to exclude cases within the words but not the mischief.

It has been said, that cases out of the letter of a statute, yet within the mischief or cause of making it, should be brought within the remedy by construction; the reason assigned being that the lawmakers could not possibly set down all cases in express terms. But it is evident, that if this doctrine were too freely acted upon, it would prove dangerous, substituting the will of a judge for that of the legislature; therefore it is to be greatly limited, and it is subject to so many exceptions as to be, perhaps, itself the exception, rather than the rule. What its limits are we shall not have occasion in these chapters fully to consider. It clearly does not apply to criminal statutes, except in favor of the accused; and there, as we shall see further on, it has a force perhaps greater than is given it anywhere else in the law. On the other hand, it is a doctrine of very extensive applicability, in the construction of statutes of every kind, that cases are to be excepted out of their operation, if clearly not within the mischief intended to be remedied.

We have seen, how we are to penetrate beyond the words to the true sense of statutes; and have called to mind some of the principles that should guide us in so doing. But in applying these principles, we are obliged to make use of two dissimilar kinds of interpretation, and of various shades and admixtures of the two, namely, strict, which is sometimes called close; and liberal, otherwise termed open. The former is where the sense is permitted to go no further than the exact words; the latter is where it is suffered to reach beyond the words, seeking after justice and their true intent. For example, in applying the rule, that each specific clause be made to harmonize, if possible, with the general purpose of the entire act, we may be obliged to employ, in respect to the several clauses, either a close or an open interpretation; or one of these to one clause, and the other to another clause; or resort to a middle course, or blending of the two, as will best accomplish the object. Then, to expand the same idea, when we are called to construe a particular statute, we are to look, as we have seen, not at this one alone, but at the entire body and spirit of the law, statutory and common.

BOOK IV., CAP. 19, *SECS.* 405, 406.

How the Criminal Law Protects Individuals.—But it is necessary, in this mutual conflict, that the combatants should stand on an equal and fair footing. So much the government does undertake to secure, by its own arm, to its subjects; and therefore, if one gets off this ground, and injures another, the common law holds it to be an offence against the government itself, punishable as a crime. What is an equal and fair footing is matter on which there may be much diversity of opinion: we are about to inquire what the common law thinks of it. The old common law, originating in an age of strong minds, iron sinews, and semi-barbarous manners, demanded less than is required by the superior culture and finer moral sentiment of more modern times. And the demands to fairness will still increase as we progress in civilization. The consequence is, that the common law itself expands by slow and insensible gradations; while a more rapid expansion is carried on by legislation, which both increases the number of crimes, and enlarges the boundaries and augments the punishments of the old ones. Statutory enactments, therefore, have added more to the department treated of in this chapter than the last; and although it does not embrace so many distinct classes of offences, yet it gives occasion for more