

on many doubtful questions. Mr. Field's Code, it is expected, will be brought before the legislature again this year, and its enactment in New York may lead to its adoption in other States. One of the firm opponents of codification in New York is Mr. J. B. Miller, who has just issued a pamphlet in German and also in English with the title "Destruction of our natural law by codification." We append his remarks upon codification generally:—

"The most important event in the science of jurisprudence, in this century, has been the recognition of the fact that law is the result of the history and peculiar characteristics of a nation, like its art and language, and that it is not an artificial thing, due to the arbitrary whim of a legislator. There may be any number of laws upon the statute book, but if they are not in accordance with the spirit of the times and the will of the people, they are but dead letters, although they may serve to hinder the natural and proper development of the law, by forcing the people to resort to fictions.

"Our English Common Law has this immense advantage over all the other European systems, that it is the natural product of its own people, and has never been dwarfed and distorted by the introduction of a foreign law, from the days when the English people first emerged from barbarism under their Anglo-Saxon kings, down to the present time, when its principles extend over the most important part of the world's surface.

"In the middle ages, on the European Continent the Roman Law was introduced, at a time when a blind worship of all classical productions existed, and the native Celtic and Germanic laws were at that time so little developed as to be unable to resist or assimilate this foreign element; they were therefore pushed aside and recognized only in the lower courts and unimportant institutions. But the new Roman Law, however complete and perfect it might be theoretically, was the law of a foreign nation and therefore not suited to these nations, so that the practical administration of justice became worse after the so-called "reception."—It was to escape from this foreign, artificial law that the European nations took refuge in their modern Codes, which contained at least some remnants of their national laws, and all the efforts of their best jurists are now directed to

resurrecting what they can discover of their old, natural legal institutions.

"In England, on the other hand, from various political circumstances, the people were able to retain their Germanic Anglo-Saxon legal principles, although the Roman law had a great indirect influence as a model to the English law in its development. But the characteristic and essential features of our system were not latinized.

"The English and the Roman Laws in fact stand to each other in very much the same relation as their languages; both are the products of related, and therefore similar nations, descended from a common Aryan stock. Our English Common Law has the proud distinction of being the only law of an Aryan nation, beside that of Rome, which has had a natural, independent development; and the result is, that to-day our law is better suited to our people than the system of any European nation is to its people; and our administration of justice has more resemblance to that of Rome, in its best period, than any of the labored, artificial, would-be imitations of Roman Codes yet evolved by European codifiers.

"This unique inheritance of the only modern, natural Aryan Law is of especial value here in America, where the reunion of the great Aryan races, after centuries of separation, is taking place. So soon as these Germanic or Latin cousins of ours become accustomed to the form of our law, they will find it more suited to their wants than the artificial codes of the countries they have left.—It should therefore be with the greatest caution that attempts are made to alter our Common Law, lest in our haste and ignorance we mar the grandeur and symmetry of its proportions, or actually conceal it under our well meant "restorations."

"With all due respect to the great merits of our present jurists, to which I will later refer, it does not seem to me that we yet possess the theoretical and historical learning, necessary for such an important undertaking.

"The German jurists during this century have acquired a great knowledge of the history of the Germanic and Roman sources of their law; and any one who will read one of their standard treatises, must recognize the fact, not only that we have no corresponding knowledge of the history and theory of our law, but that