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DIARY FOR APRIL.

18. Sun.....*Palm Sunday.*
23. Fri.....*Good Friday.* Holiday H. C. J. St. George's Day. Shakespeare born 1564, died 1616.
25. Sun.....*Easter Sunday.* Bank of England incorporated 1694.
26. Mon....*Easter Monday.* Holiday H. C. J.
27. Tues...Primary examination of students and articled clerks.
29. Thur...Graduates seeking admission to Law Society to present papers.

TORONTO, APRIL 15, 1886.

THE election of Benchers has resulted in the return of the same men as before, with the exception that Mr. Lash takes Mr. Crickmore's place. The expectations of many amongst the country Bar of seeing a larger representation of those who would endeavour to bring the rights of their brethren in the matter of conveyancing more prominently forward have been disappointed. They were too late in moving in the matter.

CODIFICATION.

THE question of Codification is again discussed in the last number of the *American Law Review*. A well known writer, after referring to the importance, but vastness of the work, thinks that unless the work is done in divisions or branches of the law, it will probably never be done at all. He instances, as the sort of work to be done, the Act passed in England in 1882, to "Codify the law relating to bills of exchange, cheques and promissory notes." He thus concludes a very able paper:—

"Nor must we form unreasonable expectations of the benefits to be derived from codification, no matter how well it may be performed. It is not possible, and, therefore, not desirable, to attempt to make any enactment so comprehensive as to embrace all cases or combinations of fact which will arise, nor is it possible to make statutes so clear and precise as to avoid the necessity of judicial interpretation and construction. Besides, the habits, modes of thought, practice, and traditions of a people, or of a great profession like that of the law, are deeply rooted and incapable of legislative extirpation, if it were attempted. Within proper limits the doctrine of Judicial Precedent is reasonable and highly convenient, if not necessary. Its influence has probably pervaded every system of jurisprudence, even where it has been expressly attempted to exclude it, Justinian enacted that cases actually tried by the Emperor should be law, not only for the cases decided, but for all similar ones. The French code prohibits judicial legislation, and under it judicial decisions do not constitute an authoritative rule for other judges in the sense of our doctrine of Judicial Precedent. And the same thing is true, at least, theoretically, of the contemporary Continental codes. The Prussian and Austrian Codes went so far at first as to forbid a judge from referring to the opinion of a law writer or to previous judicial judgments, and the Prussian code expressly directed him to base his decisions upon the statutes and the general principles of the *Landrecht*. But this was afterwards modified in both countries, so that at this time, the decisions of the Supreme Court are regularly published, and we can not doubt that they exercise a weighty influence upon inferior judges, whether they are absolutely binding upon them as precedents or not.

"The sound conclusion would seem to be that 'the law itself should be reduced, so far as possible, to the form of a statute': not with the expectation that the work of judicial interpretation will be no longer necessary, but with a view to reduce the necessity of judicial legislation and of judicial interpretation to the narrowest possible limits, and to remove as far as may be the existing uncertainty in the law.

"The argument, on the merits, can be summed up, codified, if you please, in a sentence. What is well settled, *can* be expressed, and what is doubtful, *ought* to be made certain, by legislative enactment."