of the language used to indicate with accuracy its own scope—to strive against the imputation of repetition—to be sparing of illustration—to dispense almost entirely with explanation, and generally to render their productions dry and colourless collections of formulæ, rather than clear statements of principle expounded and explained by comment and by example.

In order to substantiate our position, as well as to convey some idea of the real work which has to be done and the advantages which will result from its accomplishment, it is necessary to exhibit the actual state of our law, the process by which it has been developed into its present shape, and the mode in which the vast and intricate storehouses of legal knowledge are made available. We shall therefore, in the first place, offer such a sketch as is necessary to the comprehension of the questions to be discussed, avoiding as far as possible the use of technical language, and availing ourselves freely of the materials which the Lord Chancellor and Sir J. P. Wilde have provided.

The law of this country may be divided into two classes:—the law which has been expressly enacted by the Legislature, called the written or statute law; and the law which has grown up without express legislative sanction, and which is sometimes called the unwritten law. The latter class comprises what is designated the Common Law, and also a body of law known as Equity or Chancery Law, of comparatively modern origin, and intended to supplement and correct the Common Law. The origin of the Common Law is thus described by the Lord Chancellor:—

"Of the Common Law, much, no doubt, consisted originally of customs and usages, recorded only in the memories of men; much of rules embodied in acts of the Great Council, of which no record now exists: much was derived from the Civil law, relics of the old Roman jurisprudence, which remained so long through the land; and much was deduced from general maxims and principles handed down from one generation of lawyers to another. Thus, the sources of the Common Law were in ancient times of the most indefinite character, and the power or liberty of judicial decision was equally unlimited."—P. 5.

In the reign of Edward I. the practice of reporting the decisions of the judges began, and thus was added a fresh authority which might be referred to as evidence of what the Common Law was. Gradually arose the habit of appealing to a reported decision as a sufficient ground for deciding a parallel case in like manner, and precedent was allowed to rule, in some cases to the exclusion of justice. ....

We will now leave the Common Law and direct our attention to Equity or Chancery Law. The growth of Chancery Law is a striking illustration of the means to which recourse is had when the Legislature neglects its obvious functions. At a period when the nation had outgrown the old Common Law, and the judges of the Common Law Courts were too narrow or too timid to assume the requisite legislative powers, the Chancellors, as keepers of the King's conscience, undertook to supply what was wanting, and to correct what was amiss out of the reserve-fund of Equity supposed to reside in the royal breast. It was in the nature of things that the establishment of this right of interference should introduce uncertainty. The effect was thus described two centuries and a half ago:—(Selden's "Table Talk," Singer's edition, p. 49.)

"Equity in Law is the same that the Spirit is in Religion—what every one pleases to make it. Sometimes they go according to Conscience, sometimes according to Law, sometimes according to the Rule of Court. Equity is a roguish thing; for Law we have a measure, know what to trust to; Equity is according to the Conscience of him that is Chancellor, and as that is larger or narrower, so is Equity. 'Tis all one as if they should make the standard for the measure we call a Foot, a Chancellor's foot; what an uncertain measure would this be! One Chancellor has a long Foot, another a short Foot, a third an indifferent Foot; 'tis the same thing in the Chancellor's Conscience."

So defective, however, was the Common Law, that it is impossible to doubt that the interference of the Chancellors has, on the whole, been salutary; and the authority of Chancery precedents having long been fully established, the uncertainty of which Selden complained has ceased to exist. The Courts of Common Law did not adopt the Chancery doctrines, and the only mode the Chancellor possessed of enforcing his decrees was to imprison those who refused to submit to them. Thus arose the remarkable anomaly of two legal systems in many respects antagonistic, existing side by side in the same country. To this day a man may win his cause at Westminster and lose it at Lincoln's Inn. To this day a person with an unquestionable right may have no means of asserting it except by asking the Court of Chancery to prevent another from disputing it. Truly a singular spectacle in this 19th century, a Lord Chancellor restraining a subject, under pain of imprisonment, from appealing to the ordinary Courts of Justice!

To complete the picture of our legal system, we have the Statute Law or Parliamentary legislation commencing with the 20th Henry III., and contained in some forty-five thick quarto volumes. "The sta-