

duty of every lawgiver, not only to enact good laws, but to enact them in such a manner that the knowledge of them might be accessible to all. Was the knowledge of our law thus accessible? The people placed abundant confidence in the integrity of its administration, and deservedly so. It was that confidence that had preserved our system, for, generally speaking, the unfortunate man who found himself under the necessity of going to law, felt that he was about to commit himself to some horrid unknown region, abounding in snares and pitfalls into which he entered with fear and trembling, and rejoiced if, by any chance, after years of suffering, he was emancipated from that desert and state of bondage. Why should such a state of things be permitted to continue?"

Let me state shortly some of the reasons which have been urged in favour of such codification:—

(1) The same persons should not be both lawgivers and judges. The common law grew through the formulating of its principles by judges. To the extent to which they participate in varying the law or developing it for new circumstances, the law becomes uncertain and *post facto*. A proper code would impose some check upon the license of judicial liberty and discretion by creating a fixed body of principles which would be a moral necessity, and a departure from which could be detected and corrected.

(2) The laws of the land are for the people of the land. Those who are to obey them should have some opportunity of knowing them, or, at least, their general principles. The people desire to know their rights and duties that they may assert the one and perform the other. Lack of knowledge of the law, and its uncertainty, weaken reverence for the law.

(3) Codification would remove technical, obsolete and needless parts, clear up doubtful, and fill up gaps covered by conflicting decisions, and would be of orderly arrangement and comprehensive without being vague, making simple what is now complex, systematic what is now chaotic.

(4) New rules to meet new conditions can be more easily grafted on a statute or code than on the common law.