

the study of the Law; for it would put forth legal principles in a form in which they would be readily appreciated, contrasted, and committed to mind, and thus substitute the study of a system for the desultory contemplation of special subjects.

It is not unreasonable to expect that this condensation and methodical arrangement of legal principles would have a salutary effect upon the Law itself. It would give the ready means of considering, in connection with one another, branches of the Law which involve similar principles, though their subject matters may widely differ. It would thus bring to light analogies and differences, and by inducing a more constant reference to general principles, in place of isolated decisions, have a tendency to beget the highest attributes of any legal system—simplicity and uniformity.

The persons charged with the framing of the Digest might be also intrusted with the duty of pointing out, from time to time, the conflicts, anomalies, and doubts, which in the course of their labors would appear. Thus the process of constructing the Digest would be conducive to valuable amendments of the Law. These amendments would be embodied in the Digest in their proper places.

Moreover, such a Digest will be the best preparation for a Code, if at any future time codification of the Law should be resolved on.

But great as are the advantages to which we have referred as likely to flow from the formation of a Digest of Law, the argument for it may, we think, be rested even on the higher ground of national duty. Your Majesty's subjects, in their relation towards each other, are expected to conform to the laws of the State, and are not held excused on the plea of ignorance of the Law, from the consequences of any wrongful act. It is in these laws that they must seek the provisions made for their liberty, for their privileges, for the protection of their persons and property, for their social well-being. It is, as we conceive, a duty of the State to take care that these laws shall, so far as is practicable, be exhibited in a form plain, compendious, and accessible, and calculated to bring home actual knowledge of the Law to the greatest possible

number of persons. The performance of this duty—a duty which other countries in ancient and modern times have held themselves bound to recognise and discharge—has, in this country, yet to be attempted.

On these grounds we report to your Majesty our opinion that a Digest of Law is expedient.

II.—Having arrived at this conclusion, we proceed to the consideration of the further inquiry which your Majesty has been pleased to intrust to us—namely, the best means of accomplishing a Digest of the Law.

It may be proper here to advert to what has recently been done in the State of New York. The laws of that State (as in other States also of the Union) rest generally, for their basis, on those of this country as they existed when the States declared their independence. Cases decided in our Courts before that time are still regularly cited before American tribunals, as they are in Westminster Hall; and, indeed, the Reports of our Courts, up to the present day, are largely cited and relied on in argument in American Courts. The work which has been lately accomplished by the Commissioners for framing Codes for the State of New York is, in form, a series of Codes, laying down prospectively what the Law is to be, two of which Codes have already received the sanction of the Legislature. But, as a preparatory step to the formation of these Codes, a complete collection—or what, after great examination, the Commissioners believed to be a complete collection—under appropriate heads, of the Law on each subject, was formed by gentlemen employed for the purpose under the Commissioners.*

We do not desire to conceal that the task of forming such a Digest as we contemplate would necessarily require a considerable expenditure of time and money, though we are strongly of opinion that the benefits that would result from it would amply compensate for any such expenditure.

We think it clear that a work of this nature

* Mr. David Dudley Field, to whose exertions the State of New York is mainly indebted for this important work, was so good as to attend one of our meetings, and to give us full information respecting the course which had been pursued.