

CODIFICATION.

JEREMY BENTHAM'S tirade against the common law, as judge-made law, is interesting and suggestive at a time when codification is the subject of so many brochures and essays. We give below an extract from the fourth of the famous letters to the citizens of the United States.

"To be known an object must have *existence*. But *not* to have existence—to be a mere nonentity—in this case, my friends, is a portion—nay, by far the largest portion of that which is passed upon you for *law*. I speak of *Common Law*, as the phrase is; of the whole of Common Law. When men say to you the *Common Law does this*—the *Common Law does that*—for whatsoever there is of reality, look not beyond the two *words* that are thus employed. In these words you have a name, pretended to be the name of a really existing object: look for any such existing object—look for it till doomsday—no such object will you find.

Great is Diana of the Ephesians! cried the priests of the Ephesian Temple, by whom Diana was passed upon the people as the name of a really existing goddess. Diana a goddess, and of that goddess the statute, if not the very person, at any rate the express image.

Great is Minerva of the Athenians! cried at that same time—you need not doubt of it—the priests of the Temple of Minerva at Athens: that Athens at which St. Paul made known, for the first time, the unknown God. The priests of Athens had their goddess of wisdom: it was this *Minerva*. The lawyers of the English school have her twin sister, their Goddess of Reason. *The Law* (meaning the *Common Law*). "*The Law*" (says one of her chief priests, Blackstone), "is the perfection of reason."

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Would you wish to know what a law—a real law—is? Open the statute book—in every statute you have a real