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CODIFICATION.

In an address by the Hon. U. M. Rose, before the Tennessee State Bar Association, on "the future of our Laws," the following observations were made upon codification:—

Strangely enough, the general mercantile law, especially that of bills of exchange and promissory notes, based chiefly on the customs of merchants and traders, is the most symmetrical part of the law. Owing to this feature, and to its universality, it lends itself readily to the process of codification. As early as 1673 a Commercial Code was adopted in France, which being re-stated and amplified, resulted in the Code de Commerce of 1818. The German Exchange Code, the result of a conference set on foot in 1856, and which was completed and went into effect, March 1, 1862, and was modified in 1869, is international in its character, having been adopted by all the German States and by Austria, with the stipulation that each state may make laws of its own, provided they do not conflict with its provisions. A German work by Bochardt, published in 1871, gives, or purports to give, the statutes of various civilized countries on the subject of commercial law, both in their original tongues and in German translations, from which it appears that in more than forty countries this branch of law has been codified. Perhaps the last country that has codified the law on this subject is England. Mr. M. D. Chalmers, an English county judge, having made a careful digest of the law of bills of exchange, promissory notes and checks, it was through the influence of the present lord chancellor enacted by parliament in August, 1882. The statute contains 100 sections, and according to a statement of its author, it embodies the substance of 2,000 English decisions, and of the seventeen previous statutes, and reduces the law to about one five-thousandth part of its former bulk.

One of the earliest continental codes was that of Wurtemberg, which had its origin in 1492, but was not completed until 1610. From that time to the present it has undergone many revisions. In Bavaria a code was adopted in 1756. In Prussia, Frederick the Great, in the same year, directed his chancellor to prepare a plan for a code, but the latter having died, and the Seven Years' war coming on, nothing was done until 1780, when the king appointed a commission of jurists to carry out his purpose. The work was completed, and was put in force on the 5th day of February, 1794, in the reign of Frederick William II. This code forbids the citation of other law books and the publication of commentaries upon it. It also provides for a perpetual law commission. If the judges of the court of last resort cannot agree on the interpretation of any part of it, a majority of the judges decide, but the question is certified to the Law Commission, which promulgates a rule that shall apply in all future cases involving the same question. At present the declaratory rules thus enunciated far exceed in bulk the original code. The Civil Code of Saxony went into effect on the 1st of March, 1865. It consists of 2,620 articles.

In Austria, Maria Theresa appointed a commission to prepare a code. The work, mostly performed by the jurisconsult, Azzoni, appeared in 1767, in eight folio volumes. It was found to be so prolix, and to deal so much in abstract doctrines, as to be wholly impracticable. It was re-committed to Counsellor Hart, with express directions to leave out everything doctrinal, and to omit matters of mere detail. The first part of the revised code was published in 1786, in the reign of Joseph II, but it was not completed and put in force until the 1st day of January, 1812. It is not operative in Hungary, Croatia, Sclavonia or Transylvania. The first rude attempt at codification in Spain extends far back into the middle ages. Since that time there have been many revisions, the last being that of 1805. It is one of the most singular of all extant compilations. The first articles are devoted to rules of religious belief. Twenty-nine sections are devoted to the sacraments. Under the head of "Hus-