

inconsistent with or contradictory to others; many are limited to particular facts, or special states of circumstances furnishing no general rule; and many do no more than put a meaning on mere singularities of expression in instruments (as wills, agreements, or local Acts of Parliament), or exhibit the application in particular instances of established rules of construction. A considerable number of the cases are reported many times over in different publications, and there often exist (especially in earlier times) partial reports of the same case at different stages, involving much repetition. But all this matter remains encumbering the Books of Reports. The cases are not arranged on any system: and their number receives large yearly accessions, also necessarily destitute of order; so that the volumes constitute (to use the language of one of your Majesty's Commissioners) "what can hardly be described, but may be denominated a great chaos of judicial legislation."*

At present the practitioner, in order to form an opinion on any point of Law not of ordinary occurrence, is usually obliged to search out what rules of the Common Law, what Statutes, and what Judicial Decisions bear upon the subject, and to endeavor to ascertain their combined effect. If, as frequently happens, the cases are numerous, this process is long and difficult; yet it must be performed by each practitioner, for himself, when the question arises; and in some cases, after an interval of time, it may have even to be repeated by the same person. Without treatises, which collect and comment on the Law relating to particular subjects, it is difficult to conceive how the work of the Legal profession and the administration of Justice, which greatly depends on it, could be carried on; but, however excellent such separate treatises may be, they do not give the aid and guidance that would be afforded by a complete exposition of the Law in a uniform shape.

A digest, correctly framed, and revised from time to time, would go far to remedy the evils

we have pointed out. It would bring the mass of the Law within a moderate compass, and it would give order and method to the constituent parts.

For a Digest (in the sense in which we understand the term to be used in your Majesty's Commission, and in which we use it in this Report) would be a condensed summary of the Law as it exists, arranged in systematic order, under appropriate titles and subdivisions, and divided into distinct articles or propositions, which would be supported by references to the sources of Law whence they were severally derived, and might be illustrated by citations of the principal instances in which the rules stated had been discussed or applied.

Such a Digest would, in our judgment, be highly beneficial.

It would be of especial value in the making, the administration, and the study of the Law.

When a necessity arises for legislation on any subject, one of the principal difficulties, which those who are responsible for the framing of the measure have to encounter, is to ascertain what is the existing law in all its bearings. The systematic exposition, in the Digest, of the Law on the subject, would enable the members of the Legislature generally, and not merely those who belong to the Legal profession, to understand better the effect of the legislation proposed. And there would be this further benefit—that new laws, when made, would, on periodical revisions of the Digest, find their proper places in the system, and would not have to be sought for, as at present in scattered enactments.

The Digest would be of great use to every person engaged in the administration of the Law. All those whose duties require them to decide legal questions in circumstances in which they have not access to large libraries or other ample sources of information, would find in the Digest a ready and certain guide. Counsel advising would be spared much pains in searching for the Law in indexes, reports, and text books; and Judges would be greatly assisted as well in hearing cases as in preparing judgment.

The Digest would be most advantageous in

* Speech of the Lord Chancellor (Lord Westbury) on the Revision of the Law. House of Lords, 12th June, 1863. Stevens and Norton. Page 8.