

ready-made code, instead of allowing the indigenous law to grow and develop and formulate and broaden down from precedent to precedent until this native product should form a complete and systematized body of laws springing from and fitted to the tastes, the customs, and the requirements of the people.

When a model was sought whereon to base her new system of laws, Japan had to choose between the civil laws of the continental nations of Europe (founded upon the Roman law) and the dual system of England consisting of common law and equity, now practically fused into one system under the English Judicature Act.

Whether wisely or otherwise, she chose the continental system as her model, and, accordingly, the law in its entirety is statute-made law, and we learn from these lectures that the Japanese are already experiencing the defects which are likely to arise whenever the law is reduced to a written code. We are told that the courts committed the error of adhering too closely to the letter of the law instead of expounding it in such a manner as to make it work out justice in accordance with the true intent and spirit of the law. The only remedy for such a state of affairs is to place upon the bench judges who are lawyers of wide experience, and who are not only learned in the law, but who have acquired their learning by profound study of jurisprudence, and the principles of law upon which codes are founded, and not merely by memorising the codes themselves. If such men are broad-minded men of courage, they will bear in mind that written codes are the mere framework of the law, and that the judges, by their interpretation of the codes, may make their system of law a living and growing system, expanding and modifying to meet the just requirements of the people. Lord Coke tells us that "He who considers merely the letter of the law goes but skin deep into its meaning." A written code may be so treated as to make it a living and growing organism. To treat it in the latter way requires a strong man, conscious of his own strength, based upon knowledge.

It is astounding to learn from these lectures that the judges of Japan are not generally drawn from the bar, but are appointed directly from the graduates of law schools and colleges, and that the appointments are based upon examination; that pre-eminence at the bar is not a necessary qualification for the bench, and that the bench is not a post of honor and emolument to which men