it good or be it bad, throwing the responsibility, where it ought to fall, on the Legislature. Among less advanced communities Fiction and Equity may be the appropriate modes of counteracting hurtful laws. In this country their day is well nigh over, and for the future direct legislation may be looked to as the only source of improvement.

To recapitulate: a good code should, in our view, comprise three elements—rules, illustrative cases, and comments or reasons; the rules serving to formulate the law and to give it expression in concise terms; the cases and comments serving to explain the rules and to secure to the law the attribute of elasticity. We would incorporate into our code such of the reported cases as appeared to be of value as precedents—not, indeed, in their present shape, but stripped of all unnecessary complexities and trimmed into manageable dimensions. We would add such further cases as might suggest themselves and as were calculated to throw light on the text. We would exhibit the reasons of the various rules, their origin and inter-dependence, wherever such a course seemed necessary for enabling their meaning and spirit to be fully grasped; and for this purpose we would avail ourselves of the labours of our judges and of our text-writers. In short, our code should be modelled after the fashion of the best treatises, equalling them in point of clearness and logical arrangement, and far surpassing them in authority and in completeness. The plan of codification here suggested coincides substantially with that proposed by Sir J. P. Wilde, as we understand him. He is in favour of an authorized text, illustrated by the whole of the cases, arguments, and judgments in our books, except such as may be authoritatively condemned. Now, while thoroughly agreeing with this scheme in its essential features, we cannot but think that far better, and far more concise illustrations could be given than those contained in the reports. As a general rule, the pith of a reported case—all that is really valuable in point of illustration of legal principles—can be set down in one-tenth part of the space that the report occupies. To retain, then, the main bulk of our cases would be, as we conceive, to maintain one of the most prominent and rapidly growing evils of the present system.

The idea of an illustrated text is not a new one. It was first brought prominently forward by the framers of the Indian Penal Code. . . . . There is one argument against immediate codification which we have not yet mentioned, but which calls for notice as it has apparently received the sanction of no less an authority than the Lord Chancellor. It is this: that codification cannot be successful until the body of the law has been purged of the grave inconsistencies by which it is now disfigured. On this ground Lord Westbury advocates for the present no more than the weeding of the statutes and cases, and the re-arrangement of the purified material, without alteration in point of expression, according to the subjects—that is, the formation of a digest. . . . . We do not dispute the utility of Lord Westbury's plan, but we are unwilling that the work of codification should be postponed, as it appears to us, unnecessarily. We consider that a preliminary digest would be a good thing, but a preliminary code a better, and for this reason, that a code tells us what the law is, and in the shortest form compatible with clearness, while a digest still leaves the law to be inferred, and still leaves the mass of material bulky, complex, and, save to the initiated, incomprehensible. The example of text-writers proves conclusively that a digest is not *essential* as an intermediate step, since all the best text-writers attempt, and many of them with marked success, to discover and arrange the rules and principles which are involved in the decided cases.

That which has been done successfully by text-writers, we desire with Sir J. P. Wilde to see attempted on a large scale and by authority, and we concur with him in thinking that the work may be accomplished piecemeal. It would be necessary to repeal nothing expressly, though of course some existing precedents would be rendered nugatory by the adoption of others inconsistent with them. On the completion of any section it would be sufficient to enact that its provisions should be conclusive as to all matters falling within their scope, leaving all matters not falling within the provisions of the completed sections to be decided in the same way as they are decided at present. Step by step every branch of the law could be added, except such—constitutional law, for example—as it might be considered inexpedient to meddle with. When all the sections were completed, we should have an authority sufficient for all ordinary purposes. The first question for the lawyer would be, Can the point under consideration be solved by an appeal to the code? If, as would occasionally happen, the provisions of the code proved insufficient, then, and then only, should recourse be allowed to other authority. In this way the law would be rendered easy of access, while an efficient safeguard would be pro-