

Great points are left undecided, trivial ones receive elaborate judgments. Judges cannot make a complete law on any subject. The multiplicity and conflict of decisions create uncertainty. Nevertheless, the value of these reports is incalculable; a mine of wealth—they contain the accumulated radium of legal experience of many generations. They disclose an excellent judicial legislation which will benefit both the legislators and the lawyers. Bentham says:—"It affords for the manufacture of real law a stock of materials which is beyond price. All the libraries of Europe would not afford a collection of cases equal in variety, in amplitude, in clearness of statement, in a word, in all points taken together, in instructiveness."

But they are to the legislator, the lawyer and especially to the people a dense and trackless forest, lying in the luxuriousness of its own riches. It has growth of shrub and clinging vine and tangled under-brush, also great decisions like trees of giant bole which have weathered the tempest shocks of centuries.

What then is the remedy? What else can it be but to compress, to write the principles which have been settled by decisions or statute in a well arranged Code? In 1886 the American Bar Association, led by David Dudley Field and John F. Dillon, after hearing a number of eminent lawyers, resolved:—"The law itself shall be reduced, so far as its substantive principles are settled, to the form of a statute."

Of the three varieties of codification the one thus suggested seems the most likely to be adopted because the least disturbing and the most practicable, namely the preparation and legislative enactment of a digest of the established principles of the existing law.

A second form of codification is to use the existing law as a base and amend it as may be deemed advisable for the purpose of removing anomalies and then enacting it as amended. This was the principle under which the French Civil Code was formed and it has stood the test of a century with but little change. The Roman Code upon which it was based has the longest known history of any set of human institutions.