

## SELECTIONS.

respect is clear, because he refers as authorities to *Regina v. Burdett*, 4 B. & A. 95, and *Regina v. Harvey*, 2 B. & C. 257, both cases of libel. It is unfortunate that the case was not begun by information, or removed into the Queen's Bench, so that on a motion for a new trial the true state of the law might be declared.—*Law Journal* (London).

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 CODIFICATION.
 

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OURS has been so long the solitary "voice of one crying in the wilderness" in favour of codification, so far as legal journalism is interested, that it is really a comfort to discover that we have an alert and efficient coadjutor at last in the *American Law Review*, the most influential and able publication of its class in America. Our readers who do not agree with us on this subject—and they are numerous—will perhaps have a little more patience with us when they read the following from the *Review*:—"The blind and stupid opposition which the movement in favour of the codification of the law is encountering in the United States, is not a particle above the opposition which the movement in favour of abolishing law French and conducting legal proceedings in English, encountered in the legal profession in England more than two hundred years ago. The question is this, and only this: Shall that portion of the law which is settled, and that which is capable of being definitely and precisely stated, be written and authoritatively published in one book, or shall it be scattered, as now, through several thousand books? A majority, and we are ashamed to say a very large majority, of the New York city Bar Association, at a recent meeting answered this question in the negative. The influence of the legal profession upon public opinion, and the respect which the public entertain for that profession, have been for several years steadily declining. When a body composed of the most cultivated members of that profession will, by a majority which amounts almost to unanimity, vote down a resolution to the effect that the law ought, as far as possible, to be reduced to the form of a statute, it must be said that the poor opinion which the

public entertain of the legal profession is fully justified. Enlightened laymen see that no reform in the law is practicable except that it be put on foot, and directed by the members of that profession who alone are learned in the law. They also see that a large portion—a majority, as it appears so far, of that profession—are opposed to what thinking laymen must regard as a most urgent and needy reform, and they draw from this the inference that the real reason why so many lawyers oppose such a reform is that the lawyers are interested in keeping the law in such a state of intricacy, confusion, perplexity and mystery, that whenever a business man wants to know what the law is on any point he must go to a lawyer with a large fee. In our judgment this opinion of laymen is in part justified by the facts. In other words, while we believe and fully concede that a good deal of the opposition to codification springs from learned and honest visionaries who believe that it would have the effect of checking what they are pleased to term the natural growth of the law, another portion of it is real dishonesty, having a foundation in no higher motive than the desire of lawyers to keep the law in a state of confusion and mystery, and thereby increase legal business and enhance legal fees." Now, Messrs. Carter, Dwight and J. Bleecker Millar to the rescue! Here's another heretic to be burned! And really he seems a more "offensive partisan" than ourselves. And as Rip Van Winkle says in the play, "now he'll catch it."—*Albany L. J.*

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 EVERY PRISONER HIS OWN  
 WITNESS.
 

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THE legislation which for years past has reformed the law of evidence, has, in our opinion, in one respect at least, overstepped the mark. To confer upon a prisoner, tried for a felony, the privilege of testifying on his own behalf is to bestow upon him a boon of very doubtful value, and it may well be questioned whether the practice tends to the furtherance of justice or the development of truth. The law which authorizes a prisoner to testify upon his trial places him under a moral duress, compelling him to do so, under the pen-