

ted to us? Shall we, from fear or despair, falter in a duty so manifest? Shall we hand the profession down to our children disgraced and degraded?

To avoid such a result we should be more united. Some stronger bond should bind us to one another for purposes of influence and protection. An association of lawyers, properly organized, would be a power in the community of no mean importance, and always a power for good. No apostle of reform, no lover of his profession, no one who is anxious for his country's honor and permanence, can have a better mission than this, to unite the bar, and give it its deserved weight in the community.

DIGEST OF LAW COMMISSION.

FIRST REPORT OF THE COMMISSIONERS.

To the Queen's most Excellent Majesty.

We, your Majesty's Commissioners appointed "to enquire into the expediency of a Digest of the law, and the best means of accomplishing that object, and of otherwise exhibiting in a compendious and accessible form the law as embodied in Judicial Decisions," humbly submit to your Majesty this our first report.

I.—By the term Law, as used in your Majesty's Commission, we understand the Law of England, comprising the whole Civil Law, in whatever Courts administered, the Criminal Law, the Law relating to the Constitution, Jurisdiction, and Procedure of Courts (including the Law of Evidence), and Constitutional Law.

In each of these divisions are comprised Laws derived from three distinct sources:

1. The first source is the Common Law, which consists of customs and principles, handed down from remote times, and accepted from age to age, as furnishing rules of legal right.

2. The second source is the Statute Law, which derives its authority from the Legislature.

3. The third source is the Law embodied in, and to a great extent created by Judicial Decisions and Dicta. These, indeed, as far as they have relation to the Common Law

and Statute Law, are not so much a source of law, as authoritative expositions of it; but, with respect to doctrines of Equity and rules of procedure and evidence, they may often be regarded as an original source of Law.

That serious evils arise from the extent and variety of the materials, from which the existing law has to be ascertained, must be obvious from the following considerations:—

The records of the Common Law are in general destitute of method, and exhibit the Law only in a fragmentary form.

The Statute Law is of great bulk. In the quarto edition in ordinary use, known as Ruffhead's, with its continuations, there are forty-five volumes, although (particularly in the earlier period) a large quantity of matter is wholly omitted, or given in an abbreviated form, as having ceased to be in force. The contents of these volumes form one mass, without any systematic arrangement, the Acts being placed in merely chronological order, according to the date of enactment, in many cases the same Act containing provisions on heterogeneous subjects. A very large portion of what now stands printed at length has been repealed, or has expired, or otherwise ceased to be in force. There is no thorough severance of effective from non-effective enactments, nor does there exist in a complete form any authoritative index, or other guide, by the aid of which they may be distinguished. Much, too, contributes to swell the Statute Book, which is of a special or local character, and cannot be regarded as belonging to the general Law of England.

The Judicial Decisions and Dicta are dispersed through upwards of 1300 volumes, comprising, as we estimate, nearly 100,000 cases, exclusive of about 150 volumes of Irish Reports, which deal to a great extent with Law common to England and Ireland. A large proportion of these cases are of no real value as sources or expositions of Law at the present day. Many of them are obsolete; many have been made useless by subsequent statutes, by amendment of the Law, repeal of the statutes on which the cases were decided, or otherwise; some have been reversed on appeal or overruled in principle; some are