

(The speaker then referred to some attempts at codification in bygone days and then proceeded) :

Let me now state shortly some of the reasons which have been urged in favour of such codification :—

(1) The same persons should not be both lawgivers and judges. The common law grew through the formulating of its principles by judges. To the extent to which they participate in varying the law or developing it for new circumstances, the law becomes uncertain and post facto. A proper code would impose some check upon the license of judicial liberty and discretion by creating a fixed body of principles which would be a moral necessity, and a departure from which could be detected and corrected.

(2) The laws of the land are for the people of the land. Those who are to obey them should have some opportunity of knowing them, or, at least, their general principles. The people desire to know their rights and duties that they may assert the one and perform the other. Lack of knowledge of the law, and its uncertainty weaken reverence for the law.

(3) Codification would remove technical, obsolete and useless parts, clear up doubtful and fill up gaps covered by conflicting decisions, and would be of orderly arrangement and comprehensive without being vague, making simple what is now complex, systematic what is now chaotic.

(4) New rules to meet new conditions can be more easily grafted on a statute or code than on the common law.

(5) The involved condition of our law makes specialization necessary and centralization, a consequence which would be avoided somewhat by code law.

(6) It would to lawyer and judge save time and worry ferreting out the law. The feasibility of a Code has been demonstrated by other countries. Codes have been adopted in modern times by most of the nations of the European continent and recently by Japan, also by some of the United States.

(7) In those countries where the common law prevails and