

fication has come after centuries of growth, in Japan it has been formulated rather as an introduction to an era of progress.

The learned lecturer also informs us that under the old system in Japan (during the feudal days, which continued until recent years) litigation was almost unknown, as disputes were generally settled without recourse to the law, and public sentiment and official influence tended to discourage all forms of litigation, and that, even when recourse was had to the law, "So great was the rigidity of the rule which was laid upon the people, and so submissive was their temper that a case at law generally meant nothing more than a bare statement of the case on either side, resulting in an award rather than the decision of the judge." Again, he informs us that: "Prior to the introduction of modern institutions the habits and affairs of the people were simple; their occupations were primitive, their disputes were regulated by custom and immemorial usage. The conception of making and fulfilling contracts had scarcely any place in their life. Country people almost always settled their disputes themselves; townspeople, perhaps a little more frequently, but very seldom, invoked the aid of the law. The forum for the settlement was the family hearth, a family council, or the arbitration board of villagers or 'fellow-townsmen.'" Nothing could be more diametrically opposed to the traditions, customs and habits of the English people than this account of the Japanese people.

It is curious to note what the learned lecturer tells us about the law of ancient Japan relative to banking and commercial law generally. The *lex mercatoria* appears to have originated, grown and developed among the various nations of the earth throughout the course of centuries, so as to produce various domestic systems of the law merchant, which, in their broad lines, have a remarkable similarity one to another. Japan appears not to have been singular in this respect, for she, too, had her system of mercantile law running on lines parallel to the *lex mercatoria* of Europe.

The learned lecturer tells us that the adoption by Japan of her present system of codes was hastened by the desire of the Japanese people to rid their country of the extraterritorial jurisdiction exercised in Japan by the courts of foreign nations, and it could not be expected that the foreign nations would concede this point unless Japan first furnished herself with a recognized and uniform system of laws. This, we are told, led to the adoption *per saltum* of a