

UNIFORMITY OF LAW IN THE EMPIRE.

The question of making law more uniform throughout the Empire crops up from time to time, but little headway is made in the direction of greater uniformity. So far as the statute law is concerned, a fair degree of uniformity has been secured in some branches of mercantile law—such as the law of bills of exchange—but this covers only a small part of the field. The subject is much wider than merely securing identical legislation.

The problem of the best method of making law more uniform throughout a large number of communities which, whilst under one central Government for national or Imperial purposes, have wide powers of self-government in local matters is one that exists in America as well as in the British Empire. Judging by a thoughtful article in the May number of the *Yale Law Journal*, the problem in the United States is at least as urgent and difficult as in our own case. Notwithstanding—indeed, perhaps, by reason of—the differences in the two problems, a perusal of the article entitled "The Federal Courts and a Uniform Law," in which the American writer deals with his own problem, will be found instructive and stimulating to any English lawyer who is dissatisfied with the existing state of things in the British Empire. For, both in our Empire and in the United States, it is possible for courts of ultimate appeal to promulgate as binding decisions quite contradictory propositions. This ought not to be, and the reform of a system under which it is possible should be regarded as a matter of pressing importance.

The chief cause of the present lack of uniformity in American case law is the existence of a double set of courts—State and Federal—which to some extent work independently of each other. On most questions over which the State courts have jurisdiction the ultimate Court of Appeal is a State court, and the constitution does not at present permit appeals to be carried as a matter of course from a State court to a Federal court. The Supreme Court of the United States is not, therefore, the final appellate tribunal for all questions that come before the State courts. The result is that contradictory decisions on questions of (for instance) property law are frequently to be found in the American reports.