
Correspondence.

LAW REFORM.

To the Editor of The CANADA LAW JOURNAL.

SIR,—In spite of some words of yours at the conclusion of Colonel Denison's letter in your issue of November 1st, appearing to deprecate further discussion of the matters therein contained, I venture to think that when a gentleman of the standing and with the experience of our Police Magistrate formulates in the pages of a legal journal something like a definite scheme of law reform, and when his letter, as has been the case here, finds its way into the daily papers, to the bewilderment, doubtless, of many of the lay public, some attempt at a specific answer to the points made by him will not be altogether out of place.

I will not dwell upon the first part of the letter, in which the supposed normal fate of a litigant in our courts is sketched, but will merely observe that Colonel Denison seems to have entirely overlooked the undoubted fact that our law is at all events sufficiently definite to prevent the vast majority of the disputes which actually arise in the community from coming into the courts at all, while it is equally undoubtedly the case that of those who do come into the courts not one in a thousand has the career indicated by him.

Coming down to what I may call the constructive part of Colonel Denison's letter, his proposed reform in the administration of civil justice consists of three suggestions :

- (1.) " Musty precedents, perhaps the mistakes of men gone by should not be worshipped or followed to create injustice ; "
- (2.) There should be only one appeal, which should be final ;
- (3.) The State should do away with all fees of every kind, and hire lawyers at fixed salaries to assist the judges in bringing forward evidence.

There was a Constitution of the Emperor Justin (A.D. 518-27) which would, I take it, entirely meet Colonel Denison's approval. It ran as follows : " Let no judex or arbiter deem that he should follow cases which he has thought wrongly decided, much more let him not think that he should follow the opinions of magistrates or other rulers ; for the fact that a point has been wrongly decided is