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CODES.

A correspondent of the *Albany Law Journal* protests against Mr. Field's new Civil Code, asserting "that it will injure our business. It makes the law too plain; too easily understood. Any man of common understanding can read it and know just what the law is. Now, if a layman wants to know what his rights are or what the law is upon any given subject, he has to apply to a lawyer who examines the statutes, the common law and the reports, and writes out an opinion or brief. This new Civil Code is a wholesale brief. The whole of the civil law is boiled down and so worded as to condense all the common law, statute law and decisions on the subject to date."

Mr. Field must be endowed with a wonderful genius for code-making if the adoption of his code has the effect, in the long run, of doing away with, or even of greatly diminishing litigation. Codes, like other acts of the legislature, may clear up some points to which special attention has been directed, but taking them as a whole, it is usually found that the Courts and the lawyers have abundant occupation in finding out what the codifiers meant, and in applying the rules which they have laid down, to the varied business of life. This seems to be the experience of all code-governed countries hitherto; nor do we imagine that an end to litigation is likely to be reached by any Code of the future.

THE COPPERS BURIAL CASE.

A person named Coppers has attained in the United States a like posthumous fame to that which followed Guibord in Canada. The circumstances are not unlike. Mr. Coppers had bought a lot in Calvary Cemetery (New York State), owned and controlled by the trustees of St. Patrick's Roman Catholic Cathedral. Now, one of the rules of the Church, and one of the by-laws of the Cemetery, is that no Protestant or Freemason shall be buried in consecrated soil. Several members of Mr. Coppers' family

were buried in the lot, but the difficulty arose only with regard to his own interment. He died a Protestant and a Freemason, and the trustees of the Cemetery stopped the funeral procession at the gates, and refused to permit the interment to take place. It appears that the only evidence of title held by the deceased was a simple receipt for the purchase money of the burial plot. A *mandamus* was applied for to allow the burial, and Justice Westbrook granted the writ. This judgment has now been reversed in appeal, the Court holding that the only right acquired by the purchase of the lot was that of burial and use in conformity to the rules of the Cemetery Association; and that the regulation forbidding the burial of Protestants and Freemasons was not unlawful. Judge Davis remarked: "If I were called upon, in this case of Dennis Coppers, to criticise the good sense and reason of the rules, I should certainly differ from the appellants, for I can see no good reason why the fact that Coppers was in his life a Freemason, should prevent the burial of his body, after death had separated him from all such societies, by the side of his wife and children. It may have been a harsh and uncharitable thing to have done; but the law is not changed because the consequences of upholding it seem severe or cruel. The religious corporation owning the cemetery have seen fit to make the rule. The purchaser took his rights subject to it."

APPEAL TO THE PRIVY COUNCIL.

Apart from the merits of the appeal (as to which the judgment of the Court of Queen's Bench, 22 L. C. Jurist 201, is affirmed), the judgment of the Privy Council, in the case of *Cushing & Dupuy*, re-states the principle as to the admission of appeals to England where the right of appeal has been taken away by Canadian Statute. In matters of insolvency, the judgment of the Queen's Bench is made final by 40 Vict. c. 41, s. 28. Their lordships hold that the Parliament of Canada had power so to take away the right of appeal; but the Queen could nevertheless as "an act of grace" allow an appeal (i.e. grant leave to appeal) from any judgment of a Colonial Court, even where the right of appeal is expressly taken away by a statute not *ultra vires*.