

4 The Common Law is what is called the unwritten law. It had its origin in the early days of Britain. The various races from which have sprung the British people, brought with them, when they invaded and settled in the country, their respective customs and rules of action, which, after the various Provinces became united under one government, caused considerable confusion for a time, until a general body of law was established for the whole kingdom, and thus called the *common law*. Owing to the fact that but few of the early inhabitants were able to read or write, the laws were for a long time simply preserved in memory, hence also called the *unwritten law*. The term *unwritten* does not now apply in the same sense that it did then, because every principle of the *common law* has long since found its way into print through the thousands of volumes of reports giving the rulings and decisions of the various courts, thus furnishing precedents for guidance in all future cases equal to any written law as to uniformity and definiteness. In every other State in Europe the old Roman law predominates.

5 Statute Law is sometimes called the written law, in contradistinction to the *unwritten* or common law. It is a law that has been formally written out and introduced into Parliament as a Bill, which being passed becomes a law of the land under the name of Statute Law.

Probably not one quarter of our commercial laws are found in the statutes; but they have grown up through long years of custom and usage, and from time to time receiving the sanction of the courts of justice, have become a well-defined body of laws as stated in Section 4—sometimes called the Law Merchant.

6 Uniformity of Laws.—The laws in Great Britain, Canada, the United States and Newfoundland are very similar, owing to the fact that Newfoundland and all the States of the Union, except Louisiana, and all the Provinces in the Dominion, except Quebec, adopted the common law of England, thus making it the fundamental law of the English-speaking world; and it prevails in all cases where it has not been abrogated or modified by Statute Law.

Louisiana and Quebec adopted the old French law, which is an embodiment of the Roman law; therefore, people having dealings in Quebec must keep that fact in view. For instance, a promissory note outlaws in Quebec in five years from maturity or last payment, whereas in all the other Provinces and Newfoundland it is six years.

CHAPTER II.

CONTRACTS.

1 Contract.—Agreement, bargain, contract, all virtually mean the same thing. There are legal and illegal contracts, void and voidable contracts, valid and invalid. Contracts may be either express or implied or merely gathered from circumstances. Some are binding when made by spoken words, others require to be in writing, while some must be under seal in order to be binding.

As contracts are the basis of every business transaction, whether great