

Correspondence

CODES AND COMMON LAW.

To the Editor,

Toronto, Nov. 1, 1916.

CANADA LAW JOURNAL:

Dear Sir,— Those who have been accustomed to the common law are naturally averse to setting out on a voyage of discovery into the unknown (to them) fields of codified law. There are those, however, who have strong views that the time has come for a change from the old, and to them somewhat sacred system which prevails in England and its dependencies.

A professional journal might be supposed to favour the system which would be liked best by the great majority of its readers; but it also owes a duty to the public to advocate such changes as may be expected to conduce to the cheapening of law and to expediting the settlement of disputes. This duty your journal has always recognised, and has advocated many desirable reforms.

The profession may well be proud to remember, as the fact is, that legal reforms have almost universally been initiated by lawyers, much to the detriment of the profession from a financial point of view. You may yourselves rightly claim to have in your columns suggested many things in the direction indicated which have worked to the advantage of the public.

The majority of your readers probably would not favour a code system of law, but it may be that the time has come when something of that sort should take the place of the present system which certainly has many disadvantages. Whilst these days are not the time to discuss this matter, it may be that among many changes which will come after the war the code system may come to the front. Codification, it may be remarked, is not an entirely new thing, as a beginning was made when the criminal laws were brought into a code, and statutes affecting matters common to the whole Dominion have been passed which are in the nature of codes.

CONSTANT READER.

[There will be much to be done in the way of legal transformations, notably in that nebulous branch of it called International law, when the war is over; then perhaps the subject of our correspondent's letter will receive attention. In the meantime, some of our subscribers will, possibly, give their views on the subject, to be discussed later, and these will be kept safely till the time for discussion comes —ED. C.L.J.]