

sible nor reasonable to confine the growth of legislation, any more than for the horticulturist or botanist the growth of a flower or plant. Law must grow—it must expand. No bands can confine it, without depriving it of vitality. It must keep pace with the wants of the people. The affairs of men in all places and at all times are not to be regulated by a few abstract principles. There must be the grouping of details as minute as the transactions of life. There must be the alterations and amendments, shown to be necessary by the lessons of experience. If by codification is meant finality in legislation, there is meant an absurdity as egregious as it is unpardonable.

If codification were shown to be practicable, it would no longer be laughable. In the abstract it is perfection. In practice it is an absurdity. And yet we admit that some of the merits of consolidation are its approximation to codification. Consolidation is codification stripped of the ridiculous—it is the reduction and systemization of existing laws, with a view if necessary to future legislation.

LIABILITY OF PERSONS PRACTISING AS CONVEYANCERS.

We are much pleased to see that the Hon. Mr. Patton's bill on this subject has passed through the Upper House. Mr. Patton has brought forward many valuable measures, and amongst them this is certainly not the least important.

There are hundreds, if not thousands of non-professional men through the country, who make a regular business of drawing deeds and other instruments, charging a fee for their services; many of these persons are very competent for the ordinary business of a conveyancer; but again, many are utterly incapable of filling in correctly a common deed of bargain and sale or mortgage, and know nothing whatever of the law of real property. It has been too much the practice of late years to employ such persons, and the public are beginning to feel the evils of entrusting their business to incompetent hands.

At almost every court, one or more cases growing out of defective conveyances appear in the docket; and very lamentable must be the result, unless some check for the safety of the public be imposed on the practice. In our own experience, we have known men turned out of house and home, losing the benefit of their labour for years, or having to pay a large sum of money, in consequence of gross defects in the deeds under which they held.

It is short-sighted economy to get work done by an incompetent person at a few shillings under price of good work, particularly, when as in the case of a conveyance of land, a man's whole means is often involved. But so it is, that in respect to property as well as health, the quack is often preferred to the educated practitioner.

An attorney is liable, if through carelessness or ignorance there is a defect in any instrument he draws; and he must make good to the person who employed him any loss or damage that is sustained thereby. Such is not the case with conveyancers. However gross the error or defect, or great the loss consequent upon it, they are not liable to make it good. Let us illustrate, so as to make the point clear to non-professional persons.

A. purchases a farm and employs a lawyer to draw the deed; the conveyance is executed, and A. pays the consideration money and probably \$3 for the deed and memorial. From some cause or other the deed is insufficient, and A. is ejected and loses his farm. But A. is not without remedy. He brings his action against the lawyer. The Courts sustain the claim, and A. gets damages to compensate for loss occasioned by the lawyer's neglect.

B., an emigrant, also purchases a farm; and hearing that Mr. X. draws deeds for \$2, whereas a lawyer will charge \$3, thinks to save the dollar, and employs Mr. X. to draw the deed. Well, this deed turns out to be no better than so much waste paper, and B. loses his money and the farm. Has he any remedy against Mr. X.? *He has not.* He complains. X. says, I am sorry for the mistake. I did the best I could; but you have no claim on me, as you would on a lawyer. I certainly received your money for drawing the deed, but the law imposes no obligation upon me to make good one penny of your loss.

Now what Mr. Patton's bill does is to give a right of action against such persons as X., for negligence or blunders, in the same way and to the same extent as against an attorney employed to draw deeds or instruments.

Nothing can be more just; and we are content to take it as the first instalment towards the security of confiding or illiterate persons. But it will only alleviate the evil; it will not cure the mischief. The public ought to be further cared for.

The cure, in our judgment, would be this. Disable any but qualified persons from practicing conveyancing. Persons are not allowed to practice medicine or surveying without a license. Why not extend the wholesome rule?

Let us not be misunderstood. We do not propose that the practice of conveyancing should be confined exclusively to attorneys, but we contend that those only who are competent should be allowed to exercise the calling of paid conveyancers; and this we believe would not be objected to by any such who are competent, and the thinking public we are sure would approve of such a provision.

Our proposition is that the County Judge, either alone or with two associates, should be a Board for the examination of persons desirous of obtaining a license to practice as conveyancers. The candidate for licence should be able to