

Correspondence

LEGISLATIVE CONUNDRUM.

To the Editor, CANADA LAW JOURNAL:

Dear Sir:—The legal fraternity are a proverbially long suffering and sweet-tempered community, but ought not some limit to be assigned to the tribulations they are called upon to endure?

To attempt to understand and assimilate the immense and ever-increasing burden of legislation our statute books are called upon to bear is bad enough, but to be compelled to puzzle out the intended meaning of the statutes themselves is even worse. Might we not, at least, ask that they be expressed in intelligible and unambiguous language. Take the following as an example:

The Infants Act, sec. 21 (1): "The Supreme Court by an order to be made on the application of the guardian of an infant in whose name any stock or money, by virtue of any statute for paying off any stock, is standing, and who is beneficially entitled thereto, or if there is no guardian, by an order to be made in any action, cause or matter depending in the court, may direct all or any part of the dividends in respect of such stock or any such money to be paid to the guardian of such infant or to any other person for the maintenance and education or otherwise for the benefit of the infant."

1. What is the meaning of the words "by virtue of any statute for paying off any stock?" What is the meaning of "paying off" stock? A debt may be "paid off" and thereupon becomes extinguished; but can you "pay off" stock? If so how is it done, and what becomes of the stock when it is "paid off?" Is it also extinguished?

2. Does the clause above quoted relate only to the word "money" immediately preceding it, or does it relate also to the words "any stock" immediately preceding the word "money?"

3. Incidentally the word "whose" in the second line of the section would seem, under the ordinary rules of grammatical construction, to relate to the preceding word "guardian," though the context seems to make it clear that it is intended to relate to the preceding word "infant."

It appears that statistics reveal that, in the matter of suicides on this continent in the year 1919, the legal profession heads the list in point of numbers. It is understood that the endeavour to understand statutes was a main contributory cause. It is stated that the members of the other learned professions succeeded in retaining their equanimity by positively declining to make any attempt to pretend they understood the law.

F. P. B.