

Commerce, and the canny Scotch head which was responsible for its exploitation in that body may possibly have become impressed with the utility of such an undertaking as a factor in the construction of a workable scheme of Imperial federation by a perusal of the works of the great German jurist, Thibaut—of whom Austin said that he was the possessor of a “sagacity not surpassable.” In his “*Über die Nothwendigkeit eines allgemeinen bürgerlichen Rechts für Deutschland*,” (which is, in many respects, the grandest argument for codification ever written) Thibaut expresses the view that in confederating the German States the “only unity practicable and needful was that of Law”; and he lays down the bold proposition that the promulgation of a code, at once “clear, precise and adapted to the requirements of the time,” is one of the chief essentials of a strong and enduring confederation.

This theory was most bitterly oppugned by a school of contemporary jurists in Germany, of whom the great von Savigny was the most illustrious. While the trophy of dialectics is, perhaps, in fairness to be accorded to von Savigny, there is no doubt that the real triumph of the controversy belonged to Thibaut, for eventually Germany adopted, by legislation, all the more important of his suggestions. But whatever the origin of the codification resolution introduced at the London conference, the fact that it was adopted, and, so far as we are at present aware, adopted without opposition, demonstrates in a very unequivocal manner how the wind is blowing in both legal and political circles in England at the present time.

The views expressed by Thibaut, as above stated, are material and of much interest in this Dominion. What would more tend perhaps than anything else to break down and destroy the wall of separation that surrounds and isolates the Province of Quebec would be the uniformity of her laws with those of the English-speaking provinces. What legislator in these days of political changes will have breadth enough of view and strength enough of influence to accomplish this most desirable step towards the unification of this Dominion?