

EDITORIAL NOTES—SCIENTIFIC LEGISLATION.

feel that we have a right to "chaff" one, who, for all we know, may have erred through ignorance, there can be no doubt that this objectionable style of advertising, on the part of a professional man, may have to a great extent been induced by the fact that irresponsible invaders have largely "cut into" the legitimate business of lawyers, and especially so in country places. We need scarcely refer to this matter further, but we have a fresh instance of this sort of thing in an elaborate card now before us, of one who thus advertises his wares, "Dry Goods, Groceries, Commissioner and Conveyancer, Real Estate Agent, Boots and shoes." An additional letter on this much-debated subject appears in another place. Some think that the remedy therein proposed would be rather worse than the disease. The matter, however, is before the Benchers for consideration, and we think they are alive to its importance.

SCIENTIFIC LEGISLATION.

In these days of much legislation it is strange that some legislator, learned in the law, has not taken up various departments or branches of our law and sought to treat them on some scientific principle. It is hard for the legal mind to grasp, it is impossible for the lay mind to comprehend, differences and distinctions which to be explained must be traced back to the dark ages.

Mr. Meredith did good work for the profession when he prepared the Wills Act—one of the best pieces of legislation we have on our Statute book. We care not where he got the material which served as the foundation of the enactment. It deals concisely and well with the subject. Why should we so nearly assimilate the devolution of realty and personalty as we do in this Province, and, at

the same time, retain senseless and puzzling differences? We adopted the Statute of Distributions as our rule as to the descent of personalty, 22 & 23 Car. II. cap. 10, and in 1851 we passed our Real Property Statute. By this means the descent of realty and that of personalty are brought very near the one to the other, but there remain distinctions difficult to bear in mind and not easy of explanation. The seventh section of the Statute of Distributions provides that there shall be no representation admitted among collaterals after brothers' and sisters' children. If the next of kin of the intestate should be nephews and nieces, a child of a deceased nephew or niece will not be admitted to share in the distribution. If the deceased left realty, the child of the deceased nephew would take his share.

Then again, in dealing with the law of contracts, why should we have one rule as to what is needed to bind in the case of personalty and another in the case of realty? No satisfactory reason can be assigned for this distinction, whilst much may be said against it. The more simple the rules for the guidance of men in their dealings with each other can be made, the less likelihood will there be of difficulty and misapprehension, and the less probability of those entanglements which result in a waste of time and power in litigation. During the past quarter of a century great progress has been made in the way of simplifying the practice in our Courts. Why should we not see that some well-defined principles be applied for our guidance as to property, whether real or personal, which would result in some model legislation, in place of the hap-hazard patchwork which deforms our present system?

We throw out these suggestions at this time, in the hope that those who may feel called upon to act in the premises, may have ample time to consider the subject, and, we trust, some measure tending to the accomplishment of the desired end, before the Legislature meets.