

MANITOBA LAW SCHOOL FOUNDATION ANNUAL LECTURE : 1967

LAW REFORM — LESSONS FROM ENGLISH EXPERIENCE

Ladies and Gentlemen: One of the most important functions assigned to the English Law Commission is the responsibility to look at other systems of law besides that of the common law in the endless pursuit of reform and perfection in the law. In Canada you have—I would think as Canadians you must be proud to have—the two great systems of civilized law co-existing; the English common law, and the civil law stemming as it does directly from the great mother of all legal thinking, the Roman Law. In England today we are facing as lawyers the problem of living with the Common Market, either entering the Common Market which, as you know, is now on the cards since there is an application which may not be blackballed, or living with the Common Market while not a member: for only twenty-three miles of sea divide England from the world of the Common Market, a geographical fact which is very easy to forget at times. We, therefore, also have the problem to face—and it's an acute problem—of adjusting English law to the civil law. Common lawyers and civil lawyers have in our generation the problem of culling from the two systems the best of each. If, in the reasonably near future, the common law and the civil law can meet to form a civilized jurisprudence, then we shall be helping to give to the world the benefits of a "pax Romana et Britannica"—and in a much wider context than those who created the two legal systems could have envisaged. It is, therefore, a matter of great significance that there is a body in London with the responsibility put upon it by statute to consider, when discussing and formulating proposals of law reform, the legal systems of other lands. This comparative legal responsibility is only one of the exciting new features, or I would say vistas, that are being set before the legal profession in England by the Law Commissions Act of 1965. I have mentioned the relationship between the common law and the civil law. But it is so easily forgotten, especially by Englishmen, that there is a highly developed but different system of law tenaciously pursued by the citizenry north of the Border, Scot's law. It is utterly ridiculous that in a tiny island, such as the United Kingdom, there should be two laws of contract based on different principles north and south of the Border between England and Scotland. Here is another of the comparative problems which for the first time is going to be tackled by deliberate scientific study.

So much for the exciting vista of comparative law that for the first time has been offered to the common law by statute in the Law

Commissions Act of 1965. Tonight I am going to tell you a little about what the Law Commission is doing; about the climate of opinion that is developing about law reform in England; and then—and here I shall be greatly daring and, as a stranger on your shores with very little knowledge of Canada, I shall probably be trespassing into fields that I do not understand—ask myself this question, I hope with all modesty, is there anything here from which Canada might learn?

First, to the factual side of the business. It is sometimes thought, though never said by anyone who has any knowledge of the subject, that law reform is a modern gimmick thought up since the end of the War, part and parcel of the apparatus of the suspect welfare state. That is bad history. It is also extremely unfair to the legal profession. Law reform in the history of the common law is as old as the common law itself; and I am glad and proud to say that law reform has been the concern of common lawyers over the centuries. One has not the time, nor would you have the patience to listen to a lecture on legal history from me tonight, but I invite you to accept from me that the history of the common law is very largely the history of efforts of lawyers themselves to reform it. In some periods they have been really active. In England the lawyers were really active in the time of Cromwell and did exceedingly well. In the nineteenth century their activity led to significant results. They mitigated the harshness of the English criminal law. They streamlined to a remarkable extent the intricacies of procedure—important because it is procedure that the litigant has to observe to get his rights; it is in complying with the requirements of procedure that he incurs the costs, sometimes the intolerably high costs of litigation.

Most of these reforms originated with members of the legal profession. Their difficulty was, as indeed it is the difficulty of contemporary law reformers, to get Parliament to do anything about it. At the end of the nineteenth century came a period of stagnation. It was a conservative period (I use it with a small "c") in the history of our law. After the period of taking stock, law reform became active again, and in 1934 Lord Sankey set up a Law Revision Committee which did some excellent work, which included a report¹ upon the place of consideration in the law of contract, a report of great importance which has not as yet been translated into law. Then came the War and after the War there was a further sustained attempt by the lawyers to get law reform moving. Lord Chancellor Simonds in 1952 resuscitated the Law Revision Committee under the name of the Law Reform

1. Sixth Interim Report. 1937 Cmd. 5449. Statute of Frauds and the Doctrine of Consideration.

Committee. That committee still exists today and has produced fifteen excellent reports, some of which has resulted in legislation. Then in the same year, 1952, the same Lord Chancellor set up the Private International Law Committee. That committee produced a number of valuable reports, most of which have been thrown into the Parliamentary ash can. Yet its reports were of great interest, particularly that² which proposed a sensible solution to the problem of domicile. This was defeated not by lawyers, not even by Parliament, but by American business men who thought that if the law was rationalized they might have to pay United Kingdom income tax. In 1959 the Home Secretary set up the Criminal Law Revision Committee; it has produced some eight reports, each one of them a milestone of advance in the rationalization and modernization of the criminal law.

With three bodies as active as those three committees, you may well ask:—what was the need for another body, the Law Commission? The practical need was this: that, although these were standing committees, they had no power of initiative, they had no power to plan or design the future development of the law, and they consisted of volunteer members serving part-time—judges, barristers, solicitors, teachers of law, all of them coming to the task of reform, “at the fag end of the day.”³ There is, however, a more profound answer to the question of need. Before the establishment of the Law Commission there was a hiatus in the English legal system. The deficiency was perceived and described by a very great Lord Chancellor, little known today, Lord Westbury. He said in a paper that he published in 1859: “Why is there not a body of men in this country whose duty it is to collect a body of judicial statistics or, in common phrase, make the necessary experiments to see how far the law is fitted to the exigencies of society, the necessities of the times, the growth of wealth, and the progress of mankind?” Was ever a more significant question in this context asked than that? No one answered Lord Westbury’s question until Lord Gardiner introduced his Law Commissions Bill in 1965.

A similar point, but with different imagery, was made by Judge Cardozo. Cardozo in the twenties was pressing for a full-time body to take under consideration the laws of New York State. He went further than had Westbury. He advocated, as indeed did Lord Haldane in England in 1918, a Ministry of Justice. He saw the need for a permanent body to maintain a continuous vigilance over the laws. Addressing the New York City Bar Association he said: “Some agency must be found to mediate between the legislature and the courts.

2. 7th Report. 1963, Cmnd. 1955, Law of Domicile.

3. Lord Devlin, Eastbourne Conference of the Law Society 1966.

Somebody must be found to act as messenger from courts to legislature and from legislature to courts.”

There are two vital ideas that lie implicit in Lord Westbury's question and in Justice Cardozo's assertion. The need for study: that was what Lord Westbury was emphasizing. The need for communication—the point Cardozo was making. Courts and legislation must understand each other as equal partners in the administration of justice.

The British attempt to give effect to the ideas of Westbury, Haldane, and Cardozo has been to set up the two Law Commissions: one in Scotland, one in England. These two bodies are required to act in consultation with each other, and to formulate legislation proposals. No longer is law reform to be left to the courts with the erratic help of Parliament. English law has accepted the comment of Roscoe Pound when he said: “Attempt to reshape the law by judicial overruling of leading cases is no substitute for well-drawn, comprehensive legislation.”⁴ By the Law Commissions Act, the law of England and the law of Scotland has shifted its emphasis from reliance upon the decisions of the judges to develop the law to reliance upon legislation to reform the law. This does not mean that the role of the judge is in any way diminished. It means that it is changed. And it most assuredly does mean that Parliament has accepted a greater, continuing responsibility for reform of the law than in our history it has ever accepted before.

Parliament, in matters of law reform, is an extremely amateur and indolent body. It requires advice and it requires spurring on—to be stimulated into action. The Law Commissions Act is an attempt to provide the advice which Parliament needs in order to reach a skilled decision and to provide also, perhaps, the spur or stimulus to ensure that Parliament will take action. The advice is to come from a Law Commission consisting of five lawyers working full-time. These lawyers are drawn from all branches of the profession. And in England that means they may be drawn from the bench, from the Bar, from the solicitor's branch of the profession, and from the academic branch of the profession. Here, of course, the framers of the Bill had learnt from the constitution of the ad hoc committees set up by Lord Sankey and Lord Simonds, to which I have referred. Both these committees have on their membership teachers of law. But the Commissions Act is the first time in England that stature has recognized the importance to the development of the law of the academic branch of the pro-

4. Symposium on the Code Napoleon and the Common Law World, p. 291: published by N.Y.U.

fession. In fact, the body set up has a judge as its chairman, two distinguished practising barristers, and two distinguished academic lawyers as its members. One of the academic lawyers is also a solicitor; and two of the members, significantly enough, have established reputations in international and in comparative legal studies. That is the body which has been set up to carry out this task of communication between courts and legislature, to use the words of Cardozo; and, in the words of Lord Westbury, to ensure that the law of England shall be adjusted to the exigencies of society. It is a small body, but it is whole time. You will note that it is exclusively a legal body. It is assisted by a small legal staff, all of them whole time. This is by no means, as you will understand, a cheap operation. In fact, Lord Simonds, when the matter was being debated in the House of Lords, said that he had grave doubts about the wisdom of setting up a Law Commission but, since it was going to cost the government £200,000 a year, this might mean that the government would pay some attention to what it said. His cynical observation, I think, emphasizes one of the vital assets of the Law Commission.

The Commissioners are assisted by some fourteen lawyers who are on the staff and, in addition, four Parliamentary Draftsmen. That is to say, the total body is some twenty-three lawyers in all. It has a small clerical and administrative staff.

This is the body that has been given the task, as our chairman this evening emphasized, of taking into consideration and reviewing all the law of England. It is a task which is beyond the compass of any five men. It is now, however, beyond the compass of an institution. And, therefore, you will see that this definition of function—a very ambitious definition of functions—indicates that a new institution has been introduced into the legal system of England. It is a body meant to stay. It is not to conclude its deliberations in two, three, five, or fifteen years' time. It is here, a new part, if you like, of the Constitution; perhaps less grandiosely, a new part of the apparatus of government (using the word "government" in its widest sense). It is required by the Act to work towards the systematic development and reform of the law with two goals in mind: the simplification and modernization of the law.

If the Commission takes these words to heart, and I am sure it does and will continue to do so, it does mean that there is a body of qualified experts working to discharge the general responsibility of reviewing the law with a view to its systematic development and reform, and having as their objective the law's simplification and modernization. These words really are a call, a challenge, not only

to the Law Commission, but to the whole legal profession to get busy and to make themselves, in so far as any expert section of the community can make itself, responsible for coming forward with proposals for simplifying and modernizing the law. Great words. The Act condescends to detail. It says that in the pursuit and modernization of the law, the Commission must look to the following things; and these are very significant. It is to look to the codification of the law. Just think what these words mean to the good old empirical common lawyers, such as so many of us are. We are being asked to consider whether the common law, which by picturesque fiction had reposed in the breasts of Her Majesty's Judges for six hundred years, should not be removed from that close maternal situation and required to stand on its own as a code to be judged by ordinary people. And we are to eliminate anomalies. We are also to repeal obsolete and unnecessary enactments, and to reduce the number of separate enactments.

The interesting feature about these specific tasks is that only one of them touches the common law directly. As I have just mentioned, the common law, at any rate in theory, is to be found in the judgments of the judges. Codification is, of course, a challenge to that branch of the law. It is the only specific challenge that is mentioned. The other tasks—the elimination of unnecessary enactments, and the reduction of the number of separate enactments—are references to enacted law. In Canada, you have, I believe, a Commission for the unification of statutes, which has done over the years since 1918 tremendous work in bringing some sort of order and uniformity into the statutes of the various provinces. But we in England still have to clutter up our shelves with statutes of the thirteenth century. The first volume of Statutes Revised does go a little beyond Tudor times and, therefore, is getting quite modern. Almost none of it is used. It's just a clutter.

The task of statute law revision has its lighter side. Indeed, there's one fascinating question which I shall ask an American judge to solve for me when we start repealing, as indeed we are starting to repeal, obsolete enactments. What are we going to do about Magna Carta? The English answer, the cynic would say, is to sell it for dollars. The American response, I'm glad to say, is usually to buy it. But, of course, as you will appreciate, Magna Carta itself, though of great historical importance, has long spent its force as a legal enactment. It lives on in more modern law. The Bill of Rights in 1688, and much legislation since then, have enshrined its principles.

Reverting to my theme, you will note the emphasis on getting the law codified. You will note the emphasis on getting the statute

book, that is to say, the collection of public general enactments, simplified and modernized.

How do we go about this task? Again, the Act tells us briefly. We must receive proposals for law reform from whatsoever source they come. And we do. The general public write to us; the legal profession are in touch with us; interested bodies are in touch with us; and when we receive their proposals we do not just pigeon-hole them. It is our job to consider them, and if you look at the two Annual Reports⁵ that we have so far published, you will see that there is quite a volume of law reform ideas coming in to us from the general public. They are considered and sifted and worked into our programme of law reform.

Then the next method that we are enjoined by the Act to follow is to prepare what is called a Law Reform Programme. This programme is essential to the understanding of law reform as it is being developed in England. It is the plan, the design. Important as may be the formulation of specific proposals for the reform of the law, it is to the programme prepared by the Law Commission that one goes to see what they are at; what they are trying, in the round, to do with English law. Our first programme⁶ was published in the summer of 1965. It contained seventeen different items. This programme had to be submitted to the Lord Chancellor and had to obtain his approval. It was approved and published. Those seventeen items include some items of great importance, such as the codification of the Law of Contract, which we are beginning to accomplish in co-operation with the Scottish Law Commission. Here is an outstanding example of an attempt to introduce into our commercial law some unity north and south of the Border. It contemplates also the codification of our Family Law. You probably know that the English Commission has already published⁷ its views as to the way in which it will be possible to reform the divorce laws. We have also circulated, less officially but just as extensively, our proposals⁸ for the financial relief and support of the wife and children, in the event of divorce. The programme also contains an attack upon the Land Law and a codification of the law relating to Landlord and Tenant.

These are very big subjects. They touch the ordinary citizen. None of us can get through a day without emerging from some sort of building which is there either in compliance with, or in defiance

5. Law Com. Nos. 4 and 12.

6. Law Com. No. 1.

7. Law Com. No. 6.

8. Published Working Paper, No. 9.

of, the Land Laws. Most of us emerge, either kissed or ejected by our wives—Family Law. And most of us rush, if we are male, into offices in order to make or to avoid implementing contracts; and, if we are housewives, into shops in order to enter into contracts of sale. These vital, everyday routines of our life will be affected by the re-vamping of the law in the vital fields of contract, family, and land. Of the other items in the programme, some have already been enacted. Perhaps the best known of the proposals so far enacted is the recent amendment of the law relating to the intent necessary to prove the crime of murder. That essential reform in the law of Murder was proposed⁹ by the Law Commission and has now been enacted by the Criminal Justice Act 1967, section 8.

That gives you some idea of the scope and character of the Law Reform Programme. But there is another programme: for we have two different sorts of programme: First, the Law Reform Programme, to which I have referred; secondly, the Statute Law Revision and Consolidation Programme.¹⁰ The second is a programme for the simplification and modernization of the Acts of Parliament. Parliament has, to date, enacted eight consolidations coming from the Law Commission. This year will see two major consolidations enacted, the Rent Act and the Capital Allowances Act.

In addition to work under the programmes, we have to advise Government Departments, as and when they require advice on measures of law reform. We have already been consulted by the Home Secretary with regard to the Criminal Law. We have been consulted by the Ministry of Labour with regard to legislation designed to promote safety in factories and other places where industrial operations are carried on.

What is the position of the Law Commission vis-à-vis Parliament and the Government? First, it is an independent body. It is headed by a judge. A judge, of course, by his office must remain independent of Government and largely independent of Parliament. He cannot engage in politics. He must not allow himself to be betrayed into political assertions or judgments. And he certainly may not take orders from the Executive, whether he is sitting on the bench or whether he is sitting as Chairman of the Law Commission. You will see, therefore, that the British solution to the problem of law reform is to set up a commission which is independent of the Government. And yet, of course, it has to be subjected to some sort of control. It is controlled by the Lord Chancellor. His measure of control is, however, limited

9. Law Com. No. 11.

10. Law Com. No. 2.

and negative. The Lord Chancellor has no power to direct the Law Commission as to what they will do. It is for the Law Commission to decide what it will do. It originates its own programme. It originates its own research, its own investigation. It makes its own reports, quite independently of Government or Parliament. It submits its own proposals. The only power that the Lord Chancellor has is that he can, at the outset, veto any part of the proposed programmes. But once he has approved a programme, he has no further power to control what the Law Commission is doing, save only, of course, the power to dismiss a Law Commissioner.

And the second power of control that the Government has is that it can refuse and, no doubt, from time to time will refuse to introduce legislation to give effect to Law Commission proposals. It may, perfectly bona fide, disagree with what the Law Commission proposes. In any event, a government in a democratic society must retain control of its legislative programme, and it couldn't have the Law Commission or, indeed, any other body, telling it what is to be introduced into its legislative programme. But, although the Government has the right, and must retain the right to determine what Bills it will bring before Parliament and what it will not, the Law Commission has the right of publicity, which enables public opinion to reach an assessment as to whether the Law Commission or the Government were right. When we make a submission pursuant to our programme, the Government is obliged to publish it, whether or not it intends to introduce legislation to enact it. And then, also, we have the invaluable access to public opinion of our annual report. We are obliged to prepare an annual report (we have so far prepared two), and the Lord Chancellor is obliged to publish it. He can publish his own comments if he doesn't like it, but he can't alter a single word of the annual report. This opportunity for an advisory body concerned with the systematic development and reform of the law to air its views as to the way the law should be reformed, irrespective of whether the Government likes those views or not, is one of the really vital features of this new institution. And it must mean that law reform is going to have a chance in competition with other requirements of society to compete for the support of public opinion, to compete with other needs and claims for the time of Parliament. That means to say, law reform can now be considered by all as a subject in its own right. And if the public want it, they've got the opportunity of getting it, because they will know what's going on.

What have we so far done? Of course, we've only been in existence two and a half years, and again I can only be, I fear, terribly brief.

We have published our two programmes—the one for law reform, the other for the simplification and modernization of the statute book. We've published our two annual reports. In addition to that, we have made some ten proposals, that is to say, some ten reports, pursuant to our programme. Some of the reports contain proposals for legislation. Some of the proposals for legislation have already been enacted—for example, minor reforms in the Criminal Law, minor reforms in the Law of Tort, and the important reform to which I have already referred in the Law of Murder. These are our achievements, minor in character, to date, in the field of law reform. In addition to that, we have, as I have already told you, got enacted some eight Consolidation Bills. But these are, as I think you will appreciate, only the tip of the iceberg. There is much else that is going on, thanks to the institution of the Law Commission, besides the formulation of proposals for legislation and getting those proposals turned into law. I think it's fair to say that the Law Commission is engendering an entirely new climate of opinion at home about law reform. We are making lawyers and laymen think about it. We do not confine ourselves to an ivory tower and there, like backroom boys, work out ideal solutions that have every merit except contact with reality. What we do is this. We take a branch of the law with which we are concerned. We attempt to formulate the existing law as we believe it to be. We then indicate what we believe to be its defects. And then, in a most provisional and tentative way, we indicate what we think would be the solution. We then put all that together into one working paper. And we then circulate it widely. It's marked clearly: "This paper does not reflect the final views of the Law Commission but is circulated for discussion and criticism." These papers go widely to the profession, to the press, both national and professional, to interested bodies, and back, of course, come views. We don't ask people to agree with us; we ask them, if they do disagree, to say why. And these papers, some fourteen of which have been published in the two years that we have been operating, are becoming the basis of the continuing debate and dialogue about law reform in England.

One can see, also, the effect of this lively interest in what the Law Commission is doing—an interest that is lively because people have an opportunity to see what it is doing—in utterances that are increasingly being made by the most distinguished judges of our highest courts. Of course, all lawyers amongst you will know that in July, 1966 the Lord Chancellor made an important declaration¹¹ which might be said to have freed the House of Lords from the chains of the

11. Note: [1966] 3 All E.R. 77, H.L.; see also "The Times" July 27th, 1966.

Doctrine of Precedent. That is to say, the House of Lords will consider itself free in future, in the appropriate case, to give a decision contrary to an earlier decision of the House. This came about directly as a result of work by the Scottish Law Commission assisted by the English Law Commission. The Scottish Law Commission had the temerity to put into its law reform programme the bold statement that it was going to look at the Doctrine of Precedent. The English Law Commission, being more timid, said that it would support anything that the Scots did. The House of Lords, seeing the Law Commissions on the war-path, very rapidly made the desired announcement.

In the *Suisse Atlantique*¹² case, the case dealing with fundamental breach of contract, Lord Reid said, in effect: "This is not a satisfactory branch of the law. It's really beyond the capacity of the judges by their decisions to reform. It should be studied by the Law Commission." Then recently, in *Beswick v. Beswick*,¹³ the case which deals with the vexed problem as to whether a third party should be enabled to sue on a contract, Lord Reid repeated that the problem ought to be dealt with by the Law Commission.

Here is another illustration of what is going on. As many of you will know, Lord Denning over a period of years formulated an interesting new equity known as the deserted wife's equity. This was the attempt of the humane and brilliant Lord Denning to give the deserted wife a right in the matrimonial home when the husband left her. The House of Lords said, this cannot be done by judicial decision and reversed the trend of cases in a famous decision, *National Provincial Bank v. Ainsworth*,¹⁴ and suggested it was a matter to be looked at by the Law Commission. It was taken up by a private Member of Parliament who, with the aid of the Law Commission, produced a Bill which is now the Matrimonial Homes Act of 1967.

Thus, quite apart from the direct labours of the Law Commission, there is a climate of opinion beginning to exist in England, a dialogue between people interested which ensures that problems of law reform get attended to and get looked at by a body that is qualified and has the time to consider them.

What is the lesson from all this? You cannot expect judges to do your law reform work for you. They have the knowledge, but they

12. *Suisse Atlantique Société d'Armement Maritime S.A. v. M.V. Rotterdamsche Kolen Centrale* [1967] A.C. 361.

13. [1968] A.C. 58.

14. [1965] A.C. 1175.

haven't the time to do the research, and it's not their primary function. The primary function of the judge is to do justice between the parties before him; to conduct a trial, to apply the law, and to ensure justice in the instant case. It is almost the most important civilized job that any man can have to do: but it is not law reform. It's amazing how much they can do, but if they do it, it's bound to be haphazard. Because litigation itself is haphazard, it's bound also to be uncertain.

Parliament cannot do law reform unaided. It has neither the skill nor the time. Unless someone is going to communicate to Parliament what the judges are saying about the defects of the law, what other people are saying about the defects of the law, and, unless it's going to be told how those defects can be removed and reform brought about, it will do nothing. And, therefore, we have learnt that one does need a body, an expert body, to do the research, to do the work of communication and consultation, and to formulate proposals.

Teachers of law are the people to do the research. But consultation is also vital: and this is quite different from research. It means keeping in touch with the social realities around us, finding out what interested people want, finding out their criticisms and their views, going to the practising profession, seeing where the shoe pinches, seeing what's wrong and how it can be put right. We carry out consultation really upon the basis of our working papers. Into the working paper goes much of the research of the academic lawyer. From the working paper, when it is read, comes the opportunity for consultation. And if you conduct this operation systematically, planning what you are doing by means of your programme, and if you base it upon sound research, and if you never forget to consult the public and other interested people want, finding out their criticisms and their views, sound law reform. It will not come quickly. You should not ask for law reform to come quickly. Law reform should be a continuing process, but its proposals should be regarded as surgery, only to be imposed when the patient really requires it.

All this takes time. Good research cannot be done overnight. Neither can consultation, because you have to go and consult with busy people. You must be patient. You must let the process develop; but you must ensure that it develops according to a plan or design. And then, finally, the third lesson that one learns is that if you do manage to submit proposals to Parliament which have been subjected to this process of research and consultation, the chances are that much of the controversy will have gone out of the subject. Controversy disappears largely in the process of consultation. Or if it doesn't disappear,

at any rate irrelevant controversy disappears and what is left controversial is the main issue, which Parliament herself must decide.

The Divorce Law proposals, with which we were concerned, are a glorious example of that. In our paper on Divorce Law Reform, we in the Law Commission were not concerned with policy. We didn't suggest that it was socially desirable that divorce should be liberalized or restricted or that the grounds should be changed. We merely indicated that, if Parliament was interested in doing this, (and, of course, the indications are that the public is very interested in doing it), it could be done in a number of ways and be practicable. Controversy will never be banished from the sphere of family relations or divorce. But even in such a sphere a law commission can, by identifying the issues, by examining the thing coolly, show where the relevant controversy lies, and then Parliament can come to the relevant controversial issue properly instructed and with some knowledge of the technicalities.

It may well be that in these general observations there is something of value to you in Canada. I do not know. All I know is that the Ontario Law Reform Commission is clearly making a splendid beginning along the same sort of lines as the English Law Commission, although the Ontario Law Reform Commission is part-time, except for a chairman, Parliamentary Counsel and a research assistant; and it is not concerned, as we are, with the simplification and modernization of the statute book. Again, I am delighted to see that the Civil Code of Quebec, the 1886 Code, is being looked at in Quebec; no doubt, in the civil law milieu, the same reforming zeal is being brought to the reform of the civil law as is being brought by their Ontario neighbours to the common law. There are, I know, in other provinces of Canada law reform committees, but they belong to the old pattern—that of Lord Chancellor Simond's Law Reform Commission of 1952. I am suggesting to you that something more than that is needed, something more along the lines that I have been discussing. I think, therefore, there may be something here. It's not for me to say. I am not a Canadian. But I think there may be something here for Canada to seize upon. I certainly hope there is, and if Canadians should think there is, then I can assure you that those of us in England will be only too glad for you to see everything that the Law Commission is doing.

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