in our criminal law treatment of restrictive trade practices, but our law exhibits many marks of being unreasoningly punitive. Imprisonment for non-support is an example.

A third area in which we must press forward with reform despite certain problems and risks is the need to make our judicial process less costly, more expeditious, and generally more accessible. An adequate system of legal aid is an obvious necessity, although there should be no illusions about the cost. A more serious problem perhaps than the public expense of making justice accessible to all is that if we reduce the risks of litigation and generally make it too easy and inviting, we may defeat the purpose of trying to make it more expeditious. I suppose an equilibrium is inevitably established. Nevertheless, a prime objective of the legal order must be to encourage adjustment and compromise and what the business man calls "cutting your losses". How did someone describe law a few years back? "Law, the science of inefficiency"? It is not something for us to boast about, but it is profoundly true that we must minimize the amount of time and social energy that we are obliged to spend in the orderly resolution of conflicts. We all know the man who becomes absorbed in his case to the neglect of his business. A society so absorbed must inevitably pay a price in productive enterprise. I think what I mean to say here—and this serves me as conclusion—is that in our continuing concern with the development of a more just legal order, we must be careful not to exaggerate the place and role of law in society. It is only one of the forces making for social order, and we must never forget that it is regulative rather than creative. Its chief aim must always be to clear the field so that the creative purposes of man can be carried on in an atmosphere of ordered freedom.

THE ROLE OF LAW REFORM IN THE QUEST FOR JUSTICE

Richard Gosse†

Two years ago, at the opening of debate in the House of Lords on the first Annual Report of the Law Commission, it was said:

> True it is that law reform is generally regarded as a dull, dry subject which does not stir much heat or passion, at any rate unless it happens to touch upon such topics as capital punishment, homosexual offences, abortion or perhaps divorce.

As I do not intend to regale you on those particular topics, brace yourselves!

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† Counsel, Ontario Law Reform Commission.

These remarks were made by Lord Lloyd of Hampstead, formerly Professor Dennis Lloyd, an eminent professor of jurisprudence at the University of London, who was granted a peerage three years ago. Let me say that the English know how to treat their law teachers.

One hundred and ten years ago, another member of the Lords, Lord Westbury, who became Lord Chancellor, asked:

> Why is there not a body of men in this country whose duty it is to collect a body of judicial statistics, or, in more 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?"

Although it took seventy-five years for his suggestion to be acted upon in England, what he said makes the case for law reform agencies today as well as it did in 1859.

There can, of course, be law reform without law reform commissions, committees or whatever you wish to call them—but the approach to law reform can only be haphazard and incomplete without them.

A body charged with responsibility for recommending law reforms generally is a necessary instrument in the quest for justice.

May we switch the scene to Canada?

Last June, the Attorney General of British Columbia, announced that a law reform commission was to be established in his province.

On January 1st, 1968, Alberta's Institute of Law Research and Reform came into being. The Institute, which is under the directorship of W. F. Bowker, Q.C., formerly Dean of the Alberta Law School, was established under an agreement between the Law Society, the University of Alberta and the provincial government.

In 1966, at the annual meeting of the Canadian Bar Associa-.ion in Winnipeg, the Association passed the following resolution:

> Resolved that the Association recommend that the Government of Canada should forthwith consider the advisability of establishing in Canada a Federal Law Commission.

This afternoon you heard the Honourable John Turner, the federal Minister of Justice, make a very significant policy statement. He said: "I look forward to the day when we have a National Law Reform Commission."

Since 1962 Manitoba has had a Law Reform Committee, which was formed by the Attorney General, who is its chairman. It is a rather cumbersome group of thirty-two (consisting mainly of busy practitioners), has no full-time personnel or funds, and meets about three times a year.

Quebec provided for a Commission for the Revision of the Civil Code in 1955, but it did not become operational until 1961. It is not, however, a permanent Commission and is to exist only until the revision is complete. Meanwhile, it continues on an annual basis, authorization being granted each year to extend its term for a further year. The Commission is under the Presidency of Professor Paul-André Crépeau, of the Faculty of Law at McGill. The Commission has twelve committees, each responsible for a different area of law.

In 1964, the Ontario Law Reform Commission was established by statute. This was the first permanent law reform body, with full-time personnel, to be created in the Commonwealth. Its first chairman was the distinguished jurist, the Honourable J. C. McRuer. Mr. McRuer stepped down in 1966 in order that he could devote the major part of his time to the Royal Commission Inquiry into Civil Rights, of which he was also chairman. He was succeeded by H. Allan Leal, Q.C., formerly the Dean of Osgoode Hall Law School. Mr. McRuer became vice-chairman.

What has brought about this sudden concern with law reform agencies in Canada? Where will it all end? Is it necessary for every province to have a law reform commission or agency?

Law reform agencies have certainly become the fashion (and, of course, it is much more than a fashion) in Canada. Why? How was it that we got along without them for over a hundred years? The point is that we did not get along without them. Many of our unchanging laws simply became more archaic each year. In particular, one might mention our property laws, which were and are founded on feudal conceptions, and also limitation statutes which, in some provinces at least, are still drawn from statutes of old English vintage.

Why then were law reform agencies not established sooner? First of all, the introduction of such agencies in the common law world is a relatively new step (notwithstanding Lord Westbury's pronouncement), happening for the first time only thirty-odd years ago. In 1934, both the English Law Revision Committee and the New York Law Revision Commission were set up. Secondly, in Canada there was virtually no impetus towards law reform until a few years ago, although the Canadian Conference of Commissioners on Uniformity, which has met annually since 1918, has produced some useful model legislation. Until the growth of the law schools after World War II, neither personnel nor the facilities for research were available. In 1945, there were but twenty full-time law teachers in Canada. Now there are nearly 300. Perhaps the turning point in terms of general awareness came with the Report of the Canadian Bar Association Committee on Legal Research in 1956.

The recent movement in Canada has resulted from a recognition that the law as a whole cannot be kept in pace with the continually changing needs of modern society by either the judiciary or the legislatures, unless the latter are assisted by some agency having the responsibility of recommending law reforms.

R. E. Megarry, the distinguished writer and teacher, now a member of the judiciary, wrote in the Canadian Bar Review twelve years ago:

> Law reform is a tender plant. In this modern world, it can usually be achieved only by legislation: and, in the legislatures of the world, law reform tends to be crowded out by the great affairs of state, and by what most (but by no means all) lawyers would regard as the lesser affairs of political strife.

Legislatures are, of course, continually engaged in law reform. They frequently act on reports of their own select and standing committees, on reports of Royal Commissions, and on bills which have come forward as a result of work in government departments.

A law reform agency supplements these activities. It does not replace them. Law reform agencies should not conduct the kind of study that the Honourable Ivan Rand made into labour disputes, or the work that resulted in the Carter and Smith Reports on Taxation, the Glassco Report on Government Reorganization, or the Fowler Report on the Broadcasting Industry.

What about the judiciary? The subject of law reform cannot be discussed without considering the contributions which the judicial process can and does make to the reform and development of the law, the limitations of judicial law-making and the future of the courts' role as a law reform agency.

That the courts do serve a law-making function is no longer open to question. The time-honoured fiction of the "declaratory" role of the judge is little more than a ghost. Contemporary jurists and the facts of judicial life have increasingly recognized and articulated the law-making functions of the courts.

The House of Lords has itself asserted its law-making function. In *Shaw's* case[1], the House asserted its power to supplement and, by implication, to depart from the statutory regulation of criminal law through the revival of a common law offence called "conspiracy to corrupt public morals". In *Hedley Byrne* v. *Heller*[2], the House of Lords asserted a new legal principle of great financial importance—

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1 *Shaw v. D.P.P.*, [1962] A.C. 220.

2 *Hedley Byrne & Co., Ltd. v. Heller & Partners Ltd.*, [1964] A.C. 465.

the responsibility of those who negligently make statements on financial soundness expected to be used by third parties. Surely such sweeping modifications of both common and statutory law are more than merely "declaratory" statements, or refinements of the existing law.

Even in their interpretation of statutes, judges clearly and intentionally promote the cause of law reform, by frequently calling attention to defects and ambiguities in the drafting of legislation and to the effects of a particular piece of legislation in particular cases. By so doing, they alert the legislators to the need for change.

Much more complex and controversial than the argument over whether judges make law, is the question of the limits of judicial law-making. There are a number of grave limiting factors.

1. The nature of the judicial process itself imposes certain limits on judicial law reform. Judges deal with particular fact situations—and the problems with which they are confronted are the problems presented to them by the litigants. Much depends on the limitations of fact situation pleadings and argument. People do not go to law in order to provide a set of facts upon which the House of Lords or the Supreme Court of Canada may ultimately establish some principle. They go to law in order to resolve their particular difficulties. Because courts develop law on a case-by-case basis, their scope for wide reform is considerably lessened.

Mistakes are made in the course of handing down a decision and unfortunately these "mistakes" become part of the law until the decision is overruled. There may be no appeal in the particular case in question and it may be a matter of pure chance whether the same issue will come up in a subsequent case which is appealed. Many years may elapse before an appeal court has an opportunity to reverse a wrong decision. It is manifestly unsatisfactory that there is no means of reviewing these decisions except as the result of the bringing of some later case. There is obviously a need for a continuing review agency.

2. Another inherent limitation in the nature of the judicial process is the reluctance of appeal courts to overrule a decision upon which people may have been acting for many years. There is a dilemma here—either accepting a decision which the appeal court knows to be wrong or overruling a decision upon which people have relied in the conduct of their affairs.

3. Because so much depends on the attitudes and idiosyncracies of judges, their training, their upbringing, background and their individual competence, the work of judicial law reform may be uneven.

4. The doctrine of *stare decisis* imposes a serious limitation on the work of judicial law reform. The strict theory, as expressed by Lord Eldon in *Sheddon* v. *Goodrich:*

> It is better that the law should be certain than that every judge should speculate upon improvements in it.[3]

shows signs of serious erosion.

On July 26, 1966, Lord Gardiner, L.C., speaking on behalf of himself and the Lords of Appeal in Ordinary, announced that the House of Lords, while continuing to treat former decisions of the House as normally binding, would, in future, depart from a previous decision "when it appears right to do so". He stated:

> Their lordships regard the use of precedent as an indispensable foundation upon which to decide what is the law and its application to individual cases. It provides . . . some degree of certainty upon which individuals can rely in the conduct of their affairs, as well as a basis for orderly development of legal rules.
>
> . . . nevertheless . . . too rigid adherence to precedent may lead to injustice in a particular case and also unduly restrict the proper development of the law.[4]

In making this statement the House of Lords is attempting to balance the demands of certainty with the demands of justice. While appreciating the need for stability, they also recognize the need for change.

This significant inroad into the strict doctrine of *stare decisis* will allow courts greater freedom to develop the law. Whether or not the Supreme Court of Canada will dare to follow suit is not yet known.

There are two other methods by which the courts can engage in law reform. One is the expanded use of the declaratory judgment, especially in the ascertainment of the legal powers of public authorities, and the other is by way of "prospective overruling". This latter requires some further consideration. It is:

> the overruling of a well-established precedent limited to future situations, and excluding application to situations which have arisen before the decision, and are therefore presumed to be governed by reliance on the overruled principle.

This doctrine, better known in the United States than in England or Canada, is usually confined to a relatively few situations of exceptional importance. In matters of criminal law the difficulties it poses are obvious. In civil matters, at least in light of the American experience, its application is confined to cases involving public authorities and institutions, and usually results in public opposition.

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3 *Sheddon v. Goodrich* (1803), 8 Ves. 441, at p. 447.

4 See note, [1966] 3 All E.R., at p. 77.

Whether and when there is scope for a prospective overruling must be a matter of degree. There are five factors to be considered—stability or certainty, protection of reliance on previous decisions, efficiency in the administration of justice, equal treatment and the image of justice—and these must be balanced one against the other.

While it is no longer doubted that the Courts do play a part in law reform, it is recognized that the inevitable limitations imposed by the very nature and traditions of the judicial process, restrict the courts in their function as law reform agencies so that a court of law may not be the best equipped body to undertake law reform. Added to this is the dilemma within the judiciary as to whether or not law reform is a proper activity in which courts should engage. The negative view was expressed by Viscount Simonds in *Scruttons Ltd.* v. *Midlands Silicones Ltd.:*

> For to me heterodoxy, or, as some might say, heresy, is not the more attractive because it is dignified by the name of reform. Nor will I be easily led by an undiscerning zeal for some abstract kind of justice to ignore our first duty, which is to administer justice according to law, the law which is established for us by Act of Parliament or the binding authority of precedent. The law is developed by the application of old principles to new circumstances. Therein lies its genius. Its reform by the abrogation of these principles is the task not of the courts of law but of Parliament.[5]

No doubt nearly all Canadian judges would be in sympathy with that statement. Clearly recourse must be had to a more systematized form of legislative law reform which can ensure a more methodic procedure of law revision.

I would like to mention something about law reform agencies elsewhere than in Canada, as I feel this helps to provide a perspective to the recent happenings in this country.

England

There are four permanent law reform bodies now operating in England:

1. The Lord Chancellor's Law Reform Committee,
2. The Lord Chancellor's Private International Law Committee,
3. The Home Secretary's Criminal Law Revision Committee, and
4. The Law Commission.

The Law Commission, which was established in 1965, is by far the most important of these.

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5 [1962] A.C. 446, at pp. 467-8.

In 1934, Lord Sankey, then the Lord Chancellor, established the Law Revision Committee. It produced some eight reports in a five year period, ceasing to function in 1939. It dealt with such matters as the Lord Chancellor referred to it and consisted of six members of the judiciary, the practising bar, two solicitors, two academic lawyers and the Lord Chancellor's Permanent Secretary.

A new Law Reform Committee was established by the Lord Chancellor, Lord Simonds, in 1952. This Committee is still in existence, although its work now seems much curtailed by the Law Commission established in 1965. The 1952 Law Reform Committee consisted of five members of the bench, four practising barristers, two solicitors and three academic lawyers. One member of this Committee was Gerald Gardiner, who resigned because he felt it was such an ineffectual method of achieving law reform.

Gardiner published, along with Andrew Martin, a book in 1963 entitled "Law Reform Now", in which he urged a more organized approach to law reform:

> Nothing less will do than the setting up within the Lord Chancellor's office of a strong unit concerned exclusively with law reform in that wide sense which also includes codification, so far as in the peculiar system of English law codification may be desirable and feasible.

The following year, the Labour Party won the general election and Gerald Gardiner became Lord Chancellor in Prime Minister Wilson's cabinet. Lord Gardiner had apparently induced Mr. Wilson to include law reform in the Labour Party's platform and, it has been said, he made the establishing of a Law Commission a condition of his acceptance of the position of Lord Chancellor.

In 1965 the Law Commission was established by statute with five full-time Commissioners. One of the five appointments made was Andrew Martin, Lord Gardiner's co-author. The same statute also created the Scottish Law Commission, to consist of a Chairman and not more than four other Commissioners, to be appointed by the Secretary of State and Lord Advocate.

In Northern Ireland there has been an official called the Director of Law Reform since 1965.

Although the Law Reform Committee was not dissolved by the establishing of the Law Commission, its significance and work has been substantially diminished. So far as I know the only matter with which it is now dealing is the interpretation of wills.

The Private International Law Committee, which is appointed by the Lord Chancellor, dates from 1952, and the Criminal Law Revision Committee, appointed by the Home Secretary, has been in operation since 1959.

New Zealand

New Zealand established a Law Revision Committee in 1937. It was set up to carry out the same general function as the English Law Revision Committee of that time, although its composition was radically different. The Attorney General himself was Chairman and there was representation from the Government, the Opposition, the Law Society, the University and the legal department of state. The bench was not represented. The Committee had no formal constitution. It did not publish reports or give detailed reasons for its recommendations.

In 1965, the Minister of Justice announced he was reorganizing the law reform machinery into a more positive force. He appointed a Law Revision Commission, of which he is Chairman, and established four standing committees:

1. Public and Administrative Law,
2. Contracts and Commercial Law,
3. Property Law and Equity,
4. Torts and General Law.

Australia

In Australia, New South Wales established a Law Reform Commission in 1966 with four full-time Commissioners. In January, 1968, Western Australia set up a Law Reform Committee, consisting of three part-time members and an executive officer.

United States

There are two general agencies of reform in the United States, the American Law Institute and the Conference of Commissioners on Uniform State Laws. The American Law Institute is a non-governmental permanent institution, supported by the legal profession. Its chief function has been to produce "restatements" of the law, although it has also played a significant part in the developing of model legislation such as the Uniform Commercial Code. The Conference of Commissioners on Uniform State Laws produces model statutes, much like its opposite member in Canada. However, it has been more successful as it has had a full-time organization and there has been much greater depth in personnel.

The State of New York was the first of the common law jurisdictions to set up a general law reform body. After beginnings in 1923 and 1924, a permanent agency, the New York Law Revision Commission, was created in 1934.

The New York Commission has seven members:

(1) the chairmen of the committees on the judiciary and codes of the Senate and assembly, *ex officio*, and

(2) five additional members appointed by the Governor,
  (a) four to be qualified practitioners, and
  (b) two to be members of law faculties.

The first appointments included a layman and the Deans of the Cornell and Columbia Law Schools.

California in 1953 and Michigan in 1965 have established Law Revision Commissions, patterned after the New York prototype.

All three of these Commissions carry out their operations from Law Schools. The New York Commission is established at Cornell, California at Stanford and Michigan at the University of Michigan Law School.

Other states have established law reform agencies. These include Louisiana, New Jersey, North Carolina and Oregon.

The terms of reference of the various law reform agencies are usually in such broad terms that they could embark on a study of any area of the law. However, the topics actually studied will depend on such matters as budgetary considerations, personnel available for research, the philosophy of the particular agency, and whether studies can be initiated by the agency itself, by the agency with the approval of the government or the legislature, or by the agency on referral from the government.

The statute creating the Ontario Law Reform Commission provides that it is the function of the Commission

> to inquire into and consider any matter relating to,
>
> (a) reform of the law having regard to the statute law, the common law and judicial decisions;
>
> (b) the administration of justice;
>
> (c) judicial and quasi-judicial procedures under any Act; or
>
> (d) any subject referred to it by the Attorney General.

It may be helpful at this point to let you know the kind of subjects with which the Ontario Law Reform Commission has been concerned. The Commission may consider matters on its own initiative, or a subject may be referred to it by the Attorney General. Those which the Attorney General has referred include:

1. The basis for compensation in expropriation,
2. Personal property security legislation,
3. Wage assignments,
4. Exemption of goods from seizure under the Execution Act, and
5. The admissibility of business records in evidence.

The Commission has reported on all these matters.

On its own initiative, the Commission has started three large projects, in family law, property law and in evidence. The family law project includes the very difficult problem of modernizing the property relations between husband and wife.

As part of its property project the Commission has already recommended a draft Condominium Act, which would enable ownership of individual apartments and units in terrace and similar houses on a much more satisfactory basis than at common law. The draft Act is now law and it is hoped will be a useful instrument in the solution to the crushing demands for housing in urban areas.

The Commission has recommended reforms respecting the "rule against perpetuities" and mechanics' liens, which have since been acted upon by the legislature. Other areas in which the Commission has been working are on the "age of majority", the "right to privacy," limitations, Crown immunity, and the doctrine of *caveat emptor* as it applies to the sale of new houses.

The English Law Commission Act, 1965, makes it the duty of the Law Commission:

> . . . to take and keep under review . . . all the law . . . with a view to its systematic development and reform including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments, and generally the simplification and modernization of the law . . .

Thus, over and above recommending changes in the law itself, the Law Commission has responsibilities for codification, a long-needed matter in England, and drafting. The work of the Law Commission now includes the codification of the law of contract, the law of landlord and tenant, criminal law and family law.

Having discussed briefly the various law reform agencies, there are a number of general and related problems I would like to mention:

1. Should there be some governmental or legislative control over the topics studied by a law reform agency?
2. Should the government be able to refer matters to the agency for study or should the agency be free to choose its own topics?
3. To what extent, if any, should law reform agencies steer clear of controversial topics?

There are clearly different points of view.

The programmes of the Ontario and New York Commissions do not require approval by any outside authority such as the Attorney General or the legislature. However, there is budgetary control. For instance, the budget of the Ontario Law Reform Commission is

reviewed by the Treasury Board and is included in the Attorney General's estimates and therefore must pass through the House.

However, the programme of the English Law Commission must be submitted to the Lord Chancellor, whose approval is apparently necessary. He, in turn, is required to lay before Parliament any programmes prepared by the Commission and approved by him. Similarly, the California Commission must submit its programme to the legislature. The California Commission is expressly required by statute to confine its studies to topics which are so approved.

The New South Wales Law Reform Commission only considers matters referred to it by the Attorney General. In practice, however, the Attorney General's references are generally made after informal discussions with the Commission and on recommendation by it to him.

Should law reform agencies be considering matters of a controversial nature, in which there are significant policy decisions to be made? There are two points of view.

Professor John W. MacDonald, Chairman of the New York Commission has expressed the view of his agency:

> In its relationship to the Legislature, the Commission has been scrupulous in its recognition of legislative supremacy. It has sought to avoid recommendations on topics in which the primary question was one of policy rather than one of law. This practice has been based on an opinion that the best work of the Commission can be done in areas in which lawyers as lawyers have more to offer to solve the question than other skilled persons or groups.

Although the English Law Revision and Law Reform Committees confined their studies to "lawyer's law", the new law commissions are taking on subjects of a broader nature. The English Law Commission has already dealt with grounds for divorce and is studying the law of landlord and tenant.

The New South Wales Commission is confining itself, as a matter of policy, to areas which are likely to be non-controversial.

In Ontario, our Commission has examined or has under study such controversial matters as:

1. The basis for compensation on expropriation,
2. The question of division of property as between husband and wife, and
3. The law of landlord and tenant.

Professor Lord Lloyd of Hampstead has remarked on this problem:

> The old fallacy that there is a sphere of "lawyers'" law which is purely technical, and can be divided from legislation involving

> policy, retains its hold on few serious students of the law to-day. All law inevitably involves policy decisions of some kind. It is therefore idle to maintain that the Law Commission should in some way avoid investigating and making proposals regarding policy matters.

Each Commission appears to be developing its own philosophy as to how far it should go on policy matters.

To work effectively in the long run, a law reform agency should have the confidence of the minister to whom it reports, of the government of the day, and of the legislature as a whole, if not the public. This is a tall order.

Like the courts, it must be free from political influence. It should, therefore, be at arms' length from the government.

If matters can be referred to the Commission by a minister of the government there is always the possibility that the government can use the Commission as a means of relieving it from discomfort created by current political issues. In this respect, it may act as a supplement to the Royal Commission technique. Furthermore, the government may be anxious to have a particular report in a hurry and exert pressure on the Commission to speed up its activities. If that sort of influence were succumbed to, the quality, and perhaps character, of the Commission's work would decline.

What kind of personnel should a law reform agency have? There are two essentials to the working of an agency on law reform. It requires a combination of first-class minds and time. "Haste is the enemy of law reform". This should be the basic axiom of all law reform agencies.

The English have clearly felt that either judges are specially suited to be chairmen or that they give an air of respectability to a body which may recommend radical innovations. The chairmen of the English and Scottish Law Commissions, Sir Leslie Scarman and Lord Kilbrandon, are both members of the judiciary. The chairmen of the Lord Chancellor's Law Reform Committee and the Home Secretary's Criminal Law Revision Committee are also judges.

In New South Wales, the chairman is required to be a judge.

The first chairman of the Ontario Law Reform Commission was the Honourable J. C. McRuer, a former Chief Justice. He has been succeeded by a law school dean, H. Allan Leal, Q.C.

The New York Law Revision Commission has a law professor as its chairman.

The necessity of having the law teacher's point of view and qualities of mind has been recognized. Three of both the five-member English and Scottish Law Commissions are academics.

Two of seven in New York are required to be law professors. New South Wales has one law professor on its commission of four.

Experienced practitioners are also playing an important role as members of these various bodies. Ontario has three part-time members who are drawn from the bar. The New South Wales Commission has a barrister and a solicitor who serve full-time. The English Law Commission has a barrister as a full-time member and a solicitor, who, although not a member, has a special status with the Commission.

Apart from membership in the agencies, both the bench and bar can be drawn usefully into the reform process, perhaps most effectively by advisory or consultative committees.

The role of the law school in providing resources is most significant, if not critical. Not only may they supply personnel for membership in the reform agencies but also for conducting research. In some jurisdictions, including Ontario, most of the research is contracted out to law professors. The law schools now have the library facilities and personnel which make this kind of operation possible. In the past three years, the Ontario Law Reform Commission has engaged the services of fifteen Ontario law teachers to undertake substantial studies on various topics. The Ontario Commission, I should add, also has two full-time research officers. The English Law Commission, which does most of its own research and is also engaged on codification, has a full-time staff of forty-six. These include twenty lawyers, four of whom are draftsmen.

Returning to the question asked earlier, — must every province have a law reform commission? Expense is involved. Can suitable personnel be found or afforded? Is there not likely to be unnecessary duplication in research? Yet since each province makes laws, each must be concerned with the general reform of the law. Someone in every province must assume that responsibility.

Certainly the agencies that are being created must have a liaison with one another. They might even informally agree as to distribution of projects in order that their resources may be more effectively utilized. Another alternative would be for the Commissioners on Uniformity to accept, as a model statute, an enactment passed as the result of the recommendation of some provincial commission. In my experience, however, every statute can be improved upon and copying is no substitute for further research and analysis.

Notwithstanding these problems, the continued growth and inter-relationships of law reform agencies in Canada and elsewhere will be both productive and exciting.

"Law reform is a tender plant". Let us nourish it and care for it well.