

14. But although still imperfect and although I cannot vouch that the rendering invariably expresses the Law as it might by judicial construction be held to exist in the Statutes, scattered and detached as they are at present, still I regard it as sufficiently accurate to justify the Revised Consolidation being substituted for the Acts proposed to be repealed, trusting nevertheless to the healing efficacy of future Legislation should any very material errors or omissions be afterwards discovered.

15. The numerous changes which have been found necessary have required corresponding alterations in the printed copies that had been previously prepared, and as the amendments would be in a great degree useless, if confined to a few copies corrected in manuscript only, without affording the means of the usual distribution in print of proposed Parliamentary Bills, a new edition of 500 copies has been struck off, containing the amendments and also the additions rendered necessary by the Acts of last Session. The final copies are now in the hands of Her Majesty's Printer.

16. I avail myself of this opportunity to express my sense of the skill and promptness with which the Queen's Printer and those employed in the *Gazette* Office have executed the work required of that department, and also to express my satisfaction with the polite attention with which every one connected with the Commission has uniformly experienced throughout much necessary intercourse with that Office.

17. It is proper to remark that "TITLES" have been added in conformity with the original plan, also that the two first chapters necessarily contain new matter, the first repealing the Statutes to be superseded, saving existing rights, &c., and the second interpreting certain terms and expressions to facilitate the construction of the Consolidated Law.

18. In some instances foot notes have been added for reasons which they will themselves explain.

19. A uniformity of style has been attempted in the language of the Revision, with the exception of the Statutes relating to Real Estate.

20. It has been deemed better to adhere closely to the original of those Acts, and to give them a retrospective operation to the day on which they first had force of law, rather than by internal changes to risk any variance in the legal effect.

21. Their important bearing upon rights of property and vested interests rendered this the safer course; but I am not satisfied that those Acts might not, with equal facility, be made to harmonize with the rest of the revised work, and with no greater hazard of deviation in the technical construction than necessarily attends any attempt to improve the Statute Law in composition or arrangement, saving of course all rights and interests acquired under the Statutes for which they are substituted. This might, with a view to uniformity, be still attempted, should it appear desirable to your Excellency.

22. It has been suggested that it would be safer to leave the Statutes which introduced the law of England relative to Property and Civil Rights, and the Criminal law of England unconsolidated and unrepealed, and merely to reprint them entire, in order to avoid the possibility of inadvertent changes by repealing and re-enacting them. I am fully impressed with the delicacy of the process, but it appears to me that in the qualified and guarded terms in which the changes have been made, there is no serious danger of any innovation affecting the import or legal effect of those comprehensive enactments.

23. The manifest advantage to the public of having so much of the Statute Law methodically arranged and reduced into a moderate compass, thereby rendering the same more accessible than it possibly can be in its present state, far outweighs the expenditure, without which this most desirable public object cannot be attained.

24. A separate report will accompany the printed copies of the consolidated Statutes which apply to both Upper and Lower Canada jointly.

All of which is most respectfully submitted.

(Signed,) J. B. MACAULAY.

Toronto, January, 1859.

FIRST REPORT

OF THE COMMISSIONERS APPOINTED TO REVISE AND CONSOLIDATE THE STATUTES WHICH APPLY TO UPPER CANADA.

TO HIS EXCELLENCY THE RIGHT HONORABLE SIR EDMUND W. HEAD, *Baronet, Governor General of British North America, &c., &c., &c.*

The undersigned Commissioners appointed by Commission and Supplemental Commissions under the Great Seal of the Province of Canada, dated respectively the 7th day of February, 1856, the 17th December, 1856, and the twenty-sixth day of January, 1857, "To examine, revise, consolidate and classify the Public General Statutes of Upper Canada, and in conjunction with the Commissioners appointed for Lower Canada, to examine, revise, consolidate and classify the Public General Statutes of the province of Canada," most respectfully report to your Excellency as follows:

1. The Commissioners held their first meeting on the 7th day of February, 1856.

2. At a meeting held on the 8th March, 1856, David B. Read, Esquire, one of the Commissioners, was appointed Secretary.

3. The Honorable Joseph Morrison having resigned, Samuel Henry Strong, Esquire, was, on the 14th December, 1856, appointed to succeed him.

4. The Honorable John Hillyard Cameron having also resigned, the Honorable James B. Macaulay, was appointed Senior Commissioner in his place, on the 26th January, 1857.

5. Dr. Connor, Q. C., and Oliver Mowat, Esquire, Q. C., resigned previous to their being elected Members of the Legislative Assembly at the last general election.

6. At a meeting of the Commissioners for both Upper and Lower Canada, on the 12th April, 1856, it was resolved:

1st. That the Commissioners for Lower Canada should proceed with the Statutes relating exclusively to Lower Canada, and that the Commissioners for Upper Canada should proceed with these relating exclusively to Upper Canada, before entering upon the Statutes that apply to the whole Province.

2nd. That the Commissioners understood their duty to comprise the following three distinct particulars, and which they were to keep separate;

1st. To ascertain what Provincial Statutes and parts of Provincial Statutes relating to either part of the Province are still in force; to classify and arrange those and the several clauses thereof in such manner as may seem best, retaining the language of the enactments as they now stand.

2nd. To abbreviate and improve the language, and consolidate to the utmost extent practicable and convenient, but so as not to change the law.

3rd. To suggest such amendments of the law as in the course of the work they may find necessary or desirable.

7. At a subsequent meeting on the 14th April of the same year, the Commissioners were informed that the Attorney General for Lower Canada and the Attorney General for Upper Canada approved of the views expressed in the foregoing resolutions.

8. It was a subject of consideration with the Commissioners whether it would be more expedient to prepare and report from time to time on Statutes detached subjects separately consolidated, or to defer a Report of the Revision until the whole could be submitted entire, and the undersigned were of opinion that it would be better to present the whole in one uniform series of Acts.