

# REPORT

OF THE COMMISSIONERS, APPOINTED TO REVISE THE STATUTES OF UPPER CANADA.

TO HIS EXCELLENCY, THE RIGHT HONOURABLE SIR CHARLES BAGOT, K.C.B.

&c. &c. &c.

*Toronto, March 8th. 1843.*

MAY IT PLEASE YOUR EXCELLENCY:

By a Commission under the Great Seal of Upper Canada, bearing date the twenty-fifth day of July, one thousand eight hundred and forty, we were appointed Commissioners "diligently and carefully to examine and revise the several Statutes from time to time passed, and enacted by the Parliament of Upper Canada, and then in force and effect; and to make such report upon the premises, as in our opinion should be most for the interest, welfare and good government, of the Province."

Before proceeding to execute this Commission, we ascertained that what was contemplated by the Government was, that we should present the Statute Law of Upper Canada as it stood at the time of the Union of the Provinces, having expunged all such parts as had been repealed, either expressly or by clear implication; carefully revising the whole; giving the necessary references in the margin of each Statute; and adding a well compiled index.

This we have endeavoured to do.

We were not certain that it might not have been intended that, after ascertaining what Acts, and parts of Acts were in force, we should arrange and classify them according to their subject matter, consolidating in one Statute such as relate to the same object, transposing clauses, and parts of clauses, as well as the Statutes themselves, in order to improve the arrangement, suggesting improvements, supplying deficiencies, and carefully revising the language of the whole.

But, besides that some of the Commissioners, who had been appointed, could not have undertaken this task without being relieved, for the time, from their other duties, it would have been a useless labour, unless it were to be followed by a Legislative revision of the whole of this body of Statute Law, and by re-enacting it all, in the order in which it might be proposed to place it, with such further alterations as the Legislature might deem expedient.

This would have required probably one or more extraordinary Sessions of the Legislature; and without the certainty of such subsequent ratification, of course the disturbing the present arrangement of the Statutes would have been an irregular and unauthorised act, which could only have created confusion, by furnishing, as it were, by public authority, a compilation of Statute Law, wanting the necessary sanction.

Such a re-casting of the Statute Book, by classifying the whole, according to the various subjects, without regard to the order of time, has been frequently proposed in the Mother Country, but never yet attempted, nor has it, so far as we know, been effected, in any of the British Colonies, though it has been in some other Countries.

Doubtless, there is the promise of great convenience in a new arrangement of that description, though the value of such a work might be less now than it would have been in former times, from the great frequency of changes in Legislation which distinguishes the present age.

This point of time, however, would probably not have been the most proper to select, in regard to the Statute Law of what once formed the Province of Upper Canada; because the Union of the two Provinces may be expected to lead to many enactments applying equally to the whole territory,