

CONSOLIDATION OF THE STATUTES.—REPORT OF COMMISSIONERS.

Province of Ontario have the honour to report as follows :—

We regret to have to report that it has been found impossible to complete a draft of the whole of the work entrusted to us in time to enable your Honour to submit it to the Legislative Assembly at its present Session.

Apart from the special difficulties which attend the work, and which were alluded to in our previous Report, the body of Statutes to be examined has proved larger, and the labour of arrangement and revision greater than we anticipated.

We have, however, considerable progress to report.

At the date of our previous Report we had only completed the necessary preliminary examination of the Statutes. Since that date the actual work of consolidating the Acts within the legislative authority of the Legislature of Ontario has been continuously proceeded with ; all those Acts have been digested and arranged in manuscript under appropriate titles, and are now undergoing a thorough revision while passing through the press. A copy of the printed draft, so far as completed, accompanies the present Report.

The Statutes of the late Province of Canada not within the legislative authority of the Provincial Legislature, together with the Statutes of the Dominion Parliament affecting Ontario, have been classified according to their subjects, and about a third part of these has been printed, with the addition of notes indicating, as far as possible, the effect upon each Act of subsequent legislation, and with such other annotations as appeared to conduce most to convenience of reference.

Such of the Imperial Acts affecting Ontario as it was considered advantageous to print, have been collected, and printed in chronological order, and, will be submitted to your Honour.

In the course of the revision of the Acts within the authority of the Provincial Legislature, a large number of incongruities have presented themselves. Many of these are due to the peculiar nature of the Statute law affecting this Province, consisting as it does in a great measure of enactments passed under a constitution which no longer exists, and having application within a territory of which the present Province of Ontario forms only a part.

We have considered that the scope of our authority justified us in altering the form of most of these enactments so as to bring them into harmony with the new constitution of the Province or the plain intention of the Legisla-

ture. Some of them, however, which we did not consider ourselves authorized to deal with without the assistance of legislation, are mentioned in the subjoined schedule, together with some amendments which have suggested themselves.

When the work of revision is further advanced, we may be able to suggest other amendments, and possibly of a more substantial character ; but it has been deemed inadvisable to hurry through the press a work of so much importance without weighing more carefully than we have yet done many of the numerous questions involved, and considering the direction in which amendments might be made with advantage.

One other matter appears to us to require a few remarks.

Provisions trenching upon, if not wholly within, the subject of "Criminal Law," are, of course, to be found in many of the Acts of the late Province of Canada, which are in other respects within the exclusive legislative powers of the Provincial Legislature, and therefore have reference to matters with which the Dominion Parliament could not be called upon to deal. The provisions referred to are designed to carry the particular Act into effectual execution. The natural place for such provisions would therefore be in the Act which they are to assist in carrying out, but if they were so placed, some auxiliary legislation by the Dominion would then be required.

In the present only partially completed state of the work of revision, we are not in a position to lay before your Honour a complete list of such provisions, and to furnish one or two instances would answer no useful purpose. In view, however, of the desirability of defining sharply the line between the subjects for legislation by the Dominion and the Province respectively, we would recommend, if application is made to the Dominion Parliament, that it be for such legislation as will tend to separate once for all the enactments now in force in this Province according to the distribution made by the British North America Act of the legislative powers, and to exclude from the Provincial Statute Book all provisions which would be in form enactments of the Provincial Legislature, but would owe their legal validity to a confirmatory enactment of the Dominion Parliament.