

these 17 or 18 years, many constitutional questions, as to the division of powers between this Parliament and the Local Legislatures, have been raised. A good many have been settled, and several are under advisement to-day; and I maintain that we would do less than our duty if we issue, after 18 years, the body of the Statutes without taking heed to these questions which, at any rate, have been settled as to the relative jurisdiction of the two Legislatures. I maintain it would be doing a wrong to issue Statutes anew as the consolidated body of the law to the people of the land, when we know as to some, and believe as to others, that they are void laws, that they are laws which have no binding validity. Amongst these laws, for example, is the license law, which, so far as judicial authority at present goes, is held to be in all its most material effects, inoperative and void. We are to issue it at this Session as a good law, and the Government at this moment, with the assent, presumably, of the House, is appealing to us in order that the question may be tested whether it is a good law or not, but for the moment it is a law which has no validity. Now, Sir, these are questions which ought to be grappled with upon the first consolidation of the Statutes. We ought to deal, so far as we can, with the questions, at any rate, which have been settled with reference to the division of powers, and as I have said, this raises a new and a high legislative question which could not be raised effectually in the Imperial Parliament upon consolidation there, and which could not be effectually raised in the Canadian Parliament with reference to those classes of subjects involving almost all upon which that Parliament could legislate. Now I maintain that in this point of view, and in all points of view, it is fitting that this consolidation should lie over for a recess. I believe it is our duty to read this body of Statutes before we pass it into a law; but I believe it is utterly impossible for members of this House to examine this body of laws, these two thick volumes that have been presented to us, after the Session has advanced a certain stage, at any rate while we are busily engaged in the discharge of our other legislative duties. I am not at all arguing that we ought not to take consolidation, to a large extent, upon trust. I quite admit that you have to take many consolidations very largely upon trust, but I say that as to the consolidation of this body of law, involving these questions to which I have referred, that at any rate the members ought to have an opportunity of looking at it, and the country ought to have an opportunity of looking at it, as well as the profession throughout the country, and those who are interested in the legislation, before it is proposed to pass it into law. And when I found the hon. gentleman, for many weeks after the opening of the Session, making no sign, taking no step, not inviting our consideration to this subject during the comparatively slack season of the Session, I felt quite satisfied that he was about to adopt that reasonable course, and I said to myself: The hon. gentleman and myself agree for a wonder; it cannot be that he is to push consolidation through Parliament or else he would, at the very instant he laid the Statutes on the Table, have taken the first step in order to this enquiry. Why, Sir, if the plan of a joint committee to investigate this matter was the plan of the Government, why was not that committee moved immediately after these books were placed upon the Table? Why was it not moved early in the Session when a committee could have an opportunity to act? Why is it delayed until it is plain and obvious that except at the sacrifice of other and important legislative duties, the duties of this committee must be perfunctorily and unsatisfactorily discharged. We are now, I hope, in the thick of the Session, in the stress of business; in two days we shall have been sitting here for two months—two-thirds of the normal period of a Session; and we know very well that we have got to pay in this last period for the idleness of the preceding

period of the Session. But it is just at that time that the hon. gentleman proposes to throw these functions upon a number of important and active members of the House who have other duties to discharge. I say, therefore, that there is not now time to discharge these duties in the way in which the hon. gentleman proposes. I want to refer you to some observations which were made not long since by those who were engaged in the consolidation of the Statute law in England. In 1874 the Statute Law Committee, a committee of very experienced men, some experienced in Parliament, including the Clerk of Parliament, Sir Thos. Erskine May, and the well known draughtsman, Hon. Sir H. Thring; Sir J. Lefevre, Mr. Reilly, with Mr. Picard and Mr. Wood, met, they being called to give advice at the request of the Lord Chancellor. A memorandum given to the Lord Chancellor pointed out that there were several classes of Statutes requiring consolidation:

"The easiest Statutes to consolidate are those in which the subsequent amending enactments can be inserted without alteration, or nearly without alteration, into the framework of the original Statute. The committee propose that this class should form the first subject of consolidation. The committee are prepared to undertake the duty of superintending the consolidation of this first class of Statutes. The second class of Statutes will be Acts principally departmental, raising no question of law, but requiring to be redrawn, either wholly or partially. The committee would proceed with this class as with the first, beginning with the report and then superintending the consolidation. The third class consists of Statutes which would raise no political questions, but which require to be reconstructed and amended on a new or partially new basis. The committee are of opinion that this class of Statutes can scarcely be consolidated except under the superintendence of a Minister charged with the duty of settling their provisions, and of passing them, when settled, through Parliament. The committee will readily give any assistance in their power in dealing with this class of Statutes, but they could not undertake the entire superintendence of the work of consolidation with a due regard to the occupations in which they are individually. The fourth and last class of Statutes are those which involve legal and political questions of gravity. Any attempt to deal with such Acts can only be made by gradual instalments, and they may be left out of consideration in connection with a scheme of systematic consolidation."

We have to deal with all of these classes. We have to deal with the four classes, the easy one, subjects which do not involve high political questions, but which involve reconstruction, and also those classes which involve constitutional and political questions of great gravity. Pointing to the third class the committee suggests that this is a class of Statutes which can scarcely be consolidated except under the superintendence of a Minister charged with the duty of passing them through Parliament. It being necessary to introduce a Bill, which the hon. gentleman says he intends to introduce, he proposes to have it supervised by the Senate; it has got to be carried on under the ægis of the Minister of Justice, who is not a member of this House, and therefore the hon. gentleman proposes this extraordinary proceeding. The suggestions given by the Statute Law Committee are suggestions which are also important as to method; and they indicate the propriety of proceeding by Bill, as I have stated. The hon. gentleman has told us to-day that he does intend to proceed by Bill. He is going to proceed two ways at once; he is going to have a committee to consider the subject and concurrently with the consideration of that committee he is going to introduce a Bill in this House. He is going to adopt two methods at once of dealing with this question, the truth being that the hon. gentleman is now attempting to make up by haste the delays which have already occurred in this matter. He says: We must go on at once with the Bill—I will give notice to-day; and we will proceed with the committee to prevent delay in regard to this important measure. Why did not the hon. gentleman, six weeks ago, if he thought delay might occur, move for a committee or bring in a Bill, whichever might be the proper way; but after waiting six weeks he comes forward and says it is very important to prevent delay, and in order to prevent delay we must now go on post-haste, we have delayed so long already; we must appoint a committee of both Houses to prevent separate