

4. The clerical correctness of the Acts in their final shape, should also be attended to by the department; as well as the preparation of an index, which would show something more than the titles of the various Acts.

The title of an Act affords, not unfrequently, very little indication as to its contents. A person unskilled in the present mode of entitling and indexing Acts would pass over "*An Act respecting the operation of the Statutes*," 38 Vict., c. 4, (O), in a search for the procedure in cases of summary convictions before Justices of the Peace, and in looking for 36 Vict., c. 50, (D), which alters the punishment annexed to the crime of rape, would probably turn last, if at all, to the word "Offences" in the index. The index to the old Consolidated Statutes is probably the worst that mortal man ever conceived; but the Secretary of the Commission, and not a departmental officer, was, we believe, responsible for that.

The prolixity of statutes is an ancient grievance. Centuries ago Edward VI expressed a wish that "the superfluous and tedious statutes might be brought into one sum together and made more plain and short to the intent that men might better understand them." Lord Coke in no less severe terms says, in the preface to part 2nd of his reports, that a large proportion of the difficult points which come before the courts arise "upon Acts of Parliament overladen with provisos and additions, and many times on a sudden, penned or corrected by men of none or very little judgment in law." And again: "If Acts of Parliament were, after the old fashion penned, and by such only as perfectly knew what the Common Law was before the making of any Act of Parliament concerning that matter, as also how far forth former Statutes had provided remedy for former mischiefs and defects discovered by experience, then

should very few questions in law arise, and the learned should not so often and so much perplex their heads to make atonement and peace by construction of law between insensible and disagreeing words, sentences and provisos, as they now do." Of late years these evils have, in this country, been to a great extent removed, and men draw their acts more nearly in the language in which they write their letters; and if occasionally we light upon an Act couched in the phraseology miscalled "parliamentary shorthand" we may be sure that it is the work of an unprofessional hand, while the tersest and clearest Acts will invariably be found to have been drawn by a professional man who sees no virtue in a multitude of "whereases," "aforesaid" or "notwithstanding."

The advantage of simplicity and uniformity in the law, can not be over-estimated, and the influence of such a department as we have endeavoured to describe in the direction of formal propriety in our statute book, would be very great. Again all must concede that if a clear and compendious statement of the law were always at hand, litigation would be less frequent, decisions more speedily given, jurisdiction more readily entrusted to local and inferior tribunals, and the expense of obtaining justice diminished. A succinct body of the statute law, which we have endeavoured to show might, by some such scheme as the one suggested, be constantly published, would very materially conduce to these most desirable results, while it would form a round in the long ladder to that legal millennium, the Age of an English Code.

THE following is the report of the Commissioners, as presented to His Honour the Lieutenant-Governor:

The Commissioners appointed for the Consolidation and Revision of the Statutes affecting the