

THE REVISED STATUTES OF ONTARIO.

to the Acts relating to Real Property. In those Acts little innovation in any respect was attempted, and amongst other things left unaltered was the promiscuous use of the auxiliary "shall." Its appropriate use to express an authoritative command, is familiar to us in the "Thou shalt not" of the Mosaic decalogue. The Consolidators of 1877 have, and rightly as we think, extended this change of language to the Real Property Acts.

As directed by an Act of last Session, the legislation of that year has been incorporated in the Revision, so that the preceding eighteen years of statute law contained in twenty-one volumes, have become a dead letter so far as regards the public general statutes with which the Provincial Legislature has any power to deal. That little or no reference will require to be made to the old statutes, will be seen from a glance at the very useful Appendix C to the Revised Statutes. In that table is given a list of the Acts and parts of Acts not consolidated, and the greater number of those have not been consolidated by reason of their relating to matters which are clearly within the cognizance of the Dominion Parliament, or in respect to which the power of legislation is doubtful or has been doubted. Isolated sections, forming part of the criminal law and having no very extensive operation, form the major part of the clauses enumerated in this list; but there are a few provisions such as those of C. S. C., cap. 57; and C. S. U. C., cap. 42, relating to bills of exchange and promissory notes, which might have been usefully printed in full, as a supplement to the Revised Statutes; indeed, a third volume which would include the whole of the enactments mentioned in Appendix C, would not be a very costly addition to the Revision, when compared with its value as a compendious substitute for the

twenty-one volumes, scattered through which, the enactments there referred to, are at present only to be found.

In the arrangement of the Revised Statutes, the grooves in which legislation has run, and sub-divisions already tolerably familiar to those who have most to refer to the statutes, seem to have been more considered than the production of a strictly scientific system of classification, which would address itself only to the jurist. For example, legislation in Ontario in regard to trustees and executors, has been, as a general rule, made more or less in connection with the subject of wills; consequently, the Acts relating to wills, and to trustees and executors, have been placed side by side, and under Title VII, relating to the law of property; although a jurist would probably have placed the chapter respecting trustees and executors under Title X, relating to the laws affecting special classes of persons. So also under Municipal matters, Title XII, will be found a great variety of subjects, some of which, might perhaps more appropriately be classed under other heads.

The plan adopted, was, we think, the wise one. A consolidation of statutes must necessarily, from the nature of the Statute Law, contain only a fragment of the general law, and is not susceptible of a scientific arrangement which would place under each head the whole of the subjects scientifically appropriate there, without repeating any part of them under any other head.

Such a self-consistent and harmonious unity can only be expected from a Code which embraces the whole law on the particular subject treated of. That arrangement of the Revised Statutes which would suit the ordinary intelligent reader quite as well as the legislator or professional lawyer, was therefore obviously the best.