## HASTY LEGISLATION.

Our attention has been called to this subject by one or two recent cases (*In re Mottashed and the Corporation of the County of Prince Edward*, 30 U. C. Q. B. 74; *In re Watts and In re Emery*, 6 C. L. J., N.S., 17) which may serve to indicate the importance of careful consideration before placing a new enactment upon our statute book, and the danger which exists, or may exist, if the ambition of our local Solons to do their part in making laws for the Province is not tempered and controlled by careful reflection.

It is no doubt a grand thing to have one's name thus associated with the history of the country, and to know that a grateful posterity will refer to Smith's bill on the dog-tax, or Jones' act for regulating the procedure in the election of fence viewers, with a feeling of reverential awe for the genius which suggested and the comprehensive ability which created such stupendous enactments; but our legal records are not without warnings from which we may learn to dread the *misera servitus* that must always exist where *jus est vagum*, and we have suffered more than once or twice already from the evil effects of hasty legislation. "It is seldom possible," says Lord St. Leonards, "to understand a repealing act, unless we have a competent knowledge of the law repealed," and, we may add, it is never wise to incorporate new provisions into the body of our statute law without first considering well the existing enactments upon the subject to be affected, and their relations to the change proposed.

Especially is this the case at present, when these enactments must be sought for through the sixteen or eighteen volumes of statutes which, with the two volumes consolidated in 1859, embody the results of legislative wisdom during the past twelve years; and in our own Province the dangerous possibility is now rendered even less remote by the absence of a second chamber, which should correct and control the legislation of our House of Assembly.

One among the many instances to which we might refer in justification of these remarks is afforded by the Act of 32 Vic. c. 32 (Ont.), entitled "An Act respecting Shop and Tavern Licenses," which amends and repeals several prior statutes, and is itself amended by the Provincial Act of 33 Vic. c. 28.

It would be unjust to the honourable framer of this bill to suppose that he was unacquainted with the previous enactments upon the subject, and indeed the 30th section of the Ontario statute is borrowed almost *verbatim* from the 29th section of the Statute 27, 28 Vic. c. 18, the well known Dunkin Act of 1864.

It seems, however, not a little singular that the existence of the prior enactment should have been in the later one so completely ignored that it is not once mentioned, although several of its provisions are directly affected by the constitutional change of 1867, and others are practically repealed by the Act of 1868-9.

By the first section of the Act of 1864 it is provided, that "the municipal council of every county, city, town, township, or incorporated village shall have power to pass a by-law for prohibiting the sale of intoxicating liquors" therein, and the subsequent sections (2-9) regulate the form, mode of passing, and time of coming into force of such by-law. By the sixth section of the Ontario Act this power is transferred to the Police Commissioners in cities, and the approval of the electors, in the case of such a prohibitory by-law, is to be signified in the manner provided by 29-30 Vic. c. 51, the Municipal Act of 1866.

The 10th section of the Dunkin Act provides for the concurrence of neighbouring municipalities, and is not, it appears, repealed by the Act of 1868-9.

The 13th section of the prior act fixes the penalty for each offence at not less than $20 nor more than $50, and provides (sec. 17, subsec. 2), that when several offences are included in one complaint the maximum penalty imposable shall be $100. By section 22 of the Ontario Statute it is enacted that the penalty for selling without license shall be, for the first offence "not less than $20 besides costs, and not more than $50 besides costs," for the second offence, imprisonment with hard labour for a period not exceeding three months, and for a third or any after offence, imprisonment with hard labour for six months.

By the Dunkin Act the prosecution must be brought "by or in the name of the collector of inland revenue within whose official district the offence was committed, whenever he shall have reason to believe that such offence was committed, and that a prosecution therefor can be sustained," &c. (sec. 14, sub-