

CONSOLIDATION OF THE STATUTES AND FORM OF THE STATUTE BOOK.

of all members of Parliament would thus be materially relieved, and the legislation of the country improved. A great saving of time would also be effected, and discussions which now arise, and amendments which it is now necessary to introduce in the various stages of the bill, would often be avoided."

Of course, it would not be proper to shift upon a person having no voice in the legislation the responsibility which the Legislature or the government of the day must assume, of seeing that the legislation is within the legislative powers of the Legislature, and does not interfere with the pre-existing law beyond what is the intention of the measure or the requirements of the public. The attempt to place a great degree of responsibility upon such a Board or officer, with regard to the supervision of bills passing through Parliament and the consequent difficulty of defining this responsibility without rendering the Legislature subordinate to such officer or Board, seem to have been the main reasons why the suggestion of the Statute Commissioners was never adopted, although it met with very general approval. With us the same reasoning would, of course, be applicable against the delegation by the Legislature of any of its functions. Still, as we have said, the usefulness of the Law Clerk's department would, it seems to us, be very much increased if it were converted into a department of easy access, to which reference might at any time be made as to the state of the statute law on any subject, so far as it appears upon the face of the statute book, or has been further ascertained by judicial decision.

The modification required in the present department would be slight. The main duties to be performed would be:—

1. To keep a record of the effect of every Act upon preceding Acts, and the law generally.

2. To keep a record of all judicial

decisions or comments, placing a construction upon, and pointing out ambiguities of the statutes, or suggesting amendments of the law. By such means defective legislation, such as we referred to in our last number, and have in many previous numbers called attention to, would be at once discovered, and might be speedily remedied,

3. The duties of the department should also properly extend to the preventing the occurrence of such errors, by the revision of bills as to matters of substance, as well as of form, while they are passing through their various stages in the House.

A great champion of legal reform in England, Lord Westbury, in the course of one of his greatest speeches on the subject, in the House of Lords, said: "You have no persons to assist you who are trained or educated in the great work of legislative composition. But legislative composition is one of the most difficult things that can be conceived. When you address yourselves to a new statute without having considered the general principle of the proposed measure, the bill is subjected to the process of Committee, and there it constantly happens that things are grafted upon a statute under mis-conception and at variance altogether from the original conception of the framer. Your new Acts are patches on an old garment. You provide for the emergency, but you pay not the least regard to the question whether the piece you put into the old garment suits it or not."

Instances of this in our statutes are innumerable, but might often be avoided, if there were a department or an officer to whom committees or individual members might, while a bill is passing through the House, refer for advice and assistance, with regard not only to the substance of the bill but also to its form and phraseology.