

NOTICE.

Mr. GAMBLE moved, in the Legislative Assembly, on the 8th November, 1854,—

“That the Law Clerk of this House, with such assistance as he may deem necessary, and which assistance he is hereby authorized to procure, do prepare an Index of the Statutes now in force in this Province, as full and complete and upon the same plan as that of the Revised Statutes of Canada West, which Index shall be made and finished in time to be printed with the Statutes that may be passed during the present session, and shall be so printed and bound up with them.”

The motion was carried unanimously, and an Order was made accordingly.

I had the most earnest desire to obey the command of the House. But it will be evident that the execution of the Order thus made, necessarily involved a critical examination of the whole Statute Law of the Province, since without such examination it was manifestly impossible to say what part of it was or was not in force; and the terms of the Order shew the sense of the House, that an Index which did not include this distinction would be useless. Nor could the work be confined to merely ascertaining what Acts or parts of Acts were expressly repealed, it must extend also to all questions of virtual repeal, and to the action and effect, direct or indirect, of the later Statutes upon the earlier.

Now, we have the authority of the former Revisers of the Statutes both of Upper and Lower Canada, that this examination and the statement of its results in a convenient form, is not only a revision of the Statutes, but all that revision can effect without the intervention of the Legislature. It was all they themselves held it expedient to attempt. Nor was it a slight service which they rendered to the public in thus separating the living from the dead law, and so staying for a time the plague of confusion which was overrunning the Statute-Book.

I found a similar office assigned to me by the order of the House; except that it included the Statutes in force in each of the divisions of the Province, and those common to both. I was not indeed called upon to reprint the Laws in force, (a very laborious and responsible though not very difficult work) but to counter-balance this advantage, I had to make an Index to eleven separate volumes, and which, to be intelligible as well as to be within the terms of the Order, must be very much fuller and more comprehensive than an Index referring to a single volume and annexed to it.

I saw, therefore, that it was impossible to comply literally with the command of the House; for besides that the time which would probably elapse before the close of the Session would be insufficient as regarded the Statutes then in existence, it was certain that a very large number would be passed in that very Session, which must not only be included in the Index, but the effect of which on former Statutes must be taken into account, and might render necessary extensive changes in whatever part of the work should then have been done. But I determined that if I could not obey the letter of the Order, I would leave nothing undone to comply with its spirit. To delay the distribution of the Statutes until the work should be printed would have been unwarrantable, but I thought it possible to complete the publication before the Legislature should meet again.

The Statutes in force in Canada are obviously divisible into three classes: those which apply exclusively to Upper Canada,—those which apply exclusively to Lower Canada,—and those common to the whole Province; and the mass of printed matter in each of these three divisions is very nearly equal. It would