

THE REVISED STATUTES OF ONTARIO.

been a tatterdemalion garb of shred and patches, and few beyond the profession, have any idea of the difficulties attending the collection of the law upon any particular part from a series of statutes ranging over even twenty years, under our system of piecemeal legislation. Each year there are added to the already too-loaded shelves of the lawyer, a volume from the Legislature of Ontario, and another from the Dominion Parliament, each containing in juxtaposition, seldom the result of any systematic arrangement, enactments upon every conceivable subject, not more than a quarter of which have any extensive or permanent application to the community at large. The few which are of that character are by spasmodic legislative efforts mutilated by repealing clauses, or, by way of amendment, receive excrescences, which in their turn are subjected to like treatment, until what actually remains in force cannot be ascertained with any degree of certainty, even by the trained professional man, and has to be worked out at the expense of the first unlucky suitor whose case comes before the Courts.

The benefits are therefore obvious of a publication which collects the scraps and fragments of living law scattered through a long series of volumes, divests them of all repetitions and superfluous verbage, expresses them in simple and popular phraseology, and arranges them in logical order as a consistent whole. This is what has been attempted, and we think with great success, in the Revised Statutes.

The task of the consolidator is not an easy one. It is not to recast the law into what he conceives it ought to be; but to weave into what will express the law as it is materials which are often unequal and inharmonious, and which, nevertheless, he must alter as little as possible. To combine into one Act en-

actments of different dates, and the work of different minds, without assimilating their language, would result in confusion, which, besides its inelegance, might be productive of uncertainty as to the meaning of the enactment, since difference of language in the same Act should indicate a difference of meaning. In re-casting, however, where consolidation cannot be otherwise properly effected, the greatest care should be taken that the true spirit of the enactment is reproduced. A believer in the capacity of an Ontario Legislature might add, that this is especially so where, as has been the case with the Revised Statutes, the consolidation is not afterwards subjected, clause by clause, to the scrutiny of the House of Assembly; but for our part, we should much prefer to have the statutes direct from the Commissioners.

We have had the privilege of seeing the advance sheets of their work, and so far as we can judge from the glance we have been able to bestow upon them, we believe they will stand the test we have mentioned. Entire remodelling of clauses does not seem to be of very frequent occurrence, and where it has been deemed necessary, has been done with marked advantage, and with a care and precision which seems to leave nothing to be desired. One section we may cite in a recent Act (36 Vict., cap. 26, sec. 1), which we have long regarded as a marvel of involution, and which is scarcely recognisable in its new dress (Rev. Stat. c. 134). Throughout, we observe, that a rule contained in the Interpretation Act, viz: that the law is to be considered as always speaking, has been observed in the Revised Acts, which are expressed in the present tense, whether present or passing events, or past or future contingencies are being referred to. This change was introduced into the Consolidation of 1859, except in regard