

DIARY FOR APRIL.

2. Saturday... Last day for notice of Trial for Toronto Spring Assizes.
 3. SUNDAY... 4th Sunday in Lent
 4. Monday... Chancery Hearing Term commences. County Court Term begins.
 5. Saturday... County Court Term ends.
 6. SUNDAY... 5th Sunday in Lent.
 7. Monday... Toronto Spring Assizes.
 8. Saturday... Chancery Hearing Term ends.
 9. SUNDAY... 6th Sunday in Lent.
 10. Friday... Good Friday.
 11. SUNDAY... Easter Sunday.
 30. Saturday... { Article, &c. to be left with Secretary Law Society.
 Last day for completing Assessment Rolls
 Last day for Non-residents to give Hats of their Lands.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Ardagh, Attorneys, Barristers, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

The Upper Canada Law Journal.

APRIL, 1859.

CONSOLIDATION OF THE STATUTES.

It is expected that the consolidated statutes will become law during the present session of the Legislature. If no other work were done, it alone would make the present a very important session in the annals of Canadian legislation.

Though the volume containing the proposed consolidated statutes of Upper Canada is comparatively speaking small, it contains the fruits of great labor, unwearied industry, and ripe experience. Had it not been for the fortunate coincidence that, about the time of the appointment of the Statute Commissioners, Sir J. B. Macaulay, saw fit to resign his high and important trust as Chief Justice of the Common Pleas, and subsequently to accept the appointment of Chairman of the Statute Commissioners, we much doubt if on this occasion we should be in a position to congratulate the people of Canada on the immediate prospects of consolidation; and the invaluable services too of His Honor Judge Gowan, and others who assisted, are not to be forgotten.

The benefits to be derived from the consolidation of our law will be immense. The more simple and more accessible a law is, the more useful it is. But as human law is in theory a complex science, and in practice the collection of the accumulated wisdom of years, as it grows old it grows confusing. It does not need the experience of a lawyer to know how difficult it is to discover the spirit, meaning and effect of an enactment which lies buried beneath a heap of enactments, repealing and repealed clauses. The people generally were able to form a pretty fair idea of the confusion arising from such a source before the consolidation of the various municipal acts.

Then what the Consolidated Municipal Act of last session has effected in the municipal laws, the consolidated acts of the province and of each section of it are about to effect in the laws generally.

No theorist, however wild in his visions, is mad enough to hope for a set of laws so clear in language and so plain in meaning that differences of opinion will not arise upon their construction. Nor is the difficulty of construction at all times to be traced to the vagueness of the particular law. Different men have different minds, which cause them to have different opinions. What may be clear and undoubted to the mind of one man may be involved in a haze of difficulty when presented to the mind of another. Not only the different measures of natural intelligence possessed by different men, but the effects of various degrees of mental culture, produce differences of opinion. Hence upon any law, however well framed, questions may arise and most certainly will arise for judicial interpretation.

But laws may be so framed as to shut out many questions that would otherwise arise. As an expression may be more or less obscure, so may be a law or series of expressions. A statute is the expressed will of the Legislature. If couched in language free from useless verbosity, and in words of a popular and well understood meaning, there will be of course less difficulty in understanding the intent than if framed wanting these desirable qualities. So although it is not possible by legislation to shut out all questions of construction, it is possible by care and skill to shut out some questions. And in proportion to the number thus shut out is there a saving of litigation and consequent expense.

Laws judiciously framed are therefore a saving to a people—a saving both of anxiety and money. The consolidated laws which are now before the Legislative Assembly are so framed; and cost what they may to the country in preparation and passing, will when passed save to the country incalculably more than their cost.

It is no ordinary subject of congratulation that we live in a new country, where our written laws are as yet few and in a measure easily consolidated. In older countries, such as England, the attempts at consolidation have been many and the failures in number equal to the attempts. There was not a beginning in time. Each consolidation is a rest in legislation. Legislation is a progressive science; and as fresh wants are daily born into the world, so fresh laws are needed. Something is required from time to time to keep down the accumulations, and this cannot be more effectually done than by consolidation or reduction of laws up to a particular epoch, which in its turn becomes a new starting point in legislation.

We are not believers in codification. It is neither pos-