which the exclusive power of legislation is assigned to the Dominion is, "The Criminal Law, except the constitution of Courts of criminal jurisdiction, but including procedure in criminal matters;" while in regard to one division of the Criminal Law strictly so termed, exclusive power of legislation is conferred upon the Provincial Legislatures, viz., "The imposition of punishment by fine, penalty, or imprisonment, for enforcing any law of the Province, made in relation to any matter coming within the classes of subjects within the exclusive legislative authority of the Province."

In almost every statute of the late Province of Canada, relating as a whole to matters within the authority of this Province, there are clauses designed for the effectual enforcement of the enactment, by declaring that the commission of a particular act shall be a misdemeanor, with the addition in some cases that the person convicted of the offence shall be punishable by fine or imprisonment, varying in amount of degree according to the nature of the offence.

The course which we have adopted, as the general rule in such cases, has been to employ language prohibiting the commission of the act, and to insert the punishment, if any, mentioned in the original section, as that to be inflicted for a contravention of the section of the Revised Statute, at the same time repealing the original statute. In some cases, however, where for other reasons the original of an Act in which such a clause occurs, is one proper to be excepted from any general repeal of the existing law, or where expedience seems to require that course, the clause has been printed in bourgeois type and in the form in which it was originally passed.

In dealing with provisions in respect to which no question of jurisdiction arises, the incorporation of amendments has not always been found easy. The difficulty has generally arisen where the amendment is not made in express terms, but is the effect of some subsequent provision enacted in a substantive form, and operating as a repeal of prior inconsistent enactments.

The importance of adhering as closely as possible to the exact words of the existing statutes is obvious. While fully recognizing the importance of this rule, we have considered that the too close observance of it might defeat some of the advantages to be derived from a consolidation, viz., conciseness and uniformity of expression. The Consolidation of 1859 by furnishing models of a more concise style of parliamentary drafting has had a considerable influence upon the form of subsequent statutes. Examples, however, of the verbose style of drafting, once so general, are still sufficiently numerous, and the variety of minds engaged causes a want of uniformity in style which is perhaps unavoidable under our system of legislation. To do otherwise than harmonize the various styles when reducing Acts of different dates into one statute, would be to produce a result not only illogical and inelegant, but also involving uncertainty as to the construction of the enactment, inasmuch as the employment of different language in the same Act should indicate a difference of meaning. Our aim has therefore been, while preserving the sense and general form, and as far as possible, the language of an enactment, to secure conciseness, uniformity and clearness, and we have attempted to do this by pruning freely—omitting useless words—subdividing long sections or Acts—converting provisoes, where inaptly introduced, into exceptions, conditions, or substantive provisions qualifying a more general clause—transposing sections and clauses—and often arranging a whole Act in whatever order seemed best, without observing that in the original, if it appeared susceptible of improvement. In a few instances where amendments have been numerous or conflicting, it has been necessary to completely recast the whole matter. The separation of subjects unconnected with each other has been preferred to economy of space; and difference of type, the division of long sentences into paragraphs, and other typographical expedients have been employed to faciliate the understanding of a clause by a clearness of arrangement appealing to the eye.

In the Consolidation of 1859, the first general employment was made, in our statutes, of the present instead of the future tense, but this change was not extended to the Acts relating to real property. We do not think there is anything special in those Acts which renders it now necessary to apply to them a rule