

## CONSOLIDATION OF THE STATUTES AND FORM OF THE STATUTE BOOK.

by repealing so much of a prior Act as makes provision "in any matter provided for" by a later one: see for example the Patent Act, 35 Vict., cap. 26, sec. 52 (D). Here, it has to be borne in mind, that if the "matter" (an indefinite term) in respect to which provision is made by A. is provided for by B., the latter effects a repeal of A., although possibly both might well stand together.

The Act respecting certain separate rights of property of married women (Con. Stat. U. C., cap. 73), is not in any way expressly referred to in the Act to extend the rights of property of married women (35 Vict., cap. 16). The effect of the latter Act, however, is to modify in many particulars Con. Stat., cap 73, but to what extent can only be conjectured until ascertained by a judicial decision upon each of the numerous points involved. Other examples might be given: *e. g.* :—The Mechanics' Lien Acts of 1873 and 1875, 36 Vict., cap. 27, and 38 Vict., cap. 20. Years might elapse before the exact state of the law could be certainly known, but upon the consolidation of these Acts, all such questions have to be solved at once by the consolidators, upon a view merely of statute in juxtaposition with statute, with no parties before them actually interested in a decision one way or the other, without hearing the argument of counsel, and without any of the other circumstances which, in the case of a judicial decision, assist so materially in arriving at a correct conclusion by means of the thorough investigation of all sides of a question.

It is such matters as these that will make the work of the Commissioners so arduous, and their responsibility so great; but if the Legislature, when amending the law, were only to be at the pains of pointing out in the manner suggested, with some degree of exactitude, the effect which the amendment is intended to have upon the pre-

existing law, the statutes would only require consolidation for the sake of convenience of form. Each Act would always be in as definite a form as any statute is capable of assuming, and the work of consolidation might be performed with little trouble or expense, and within a very short space of time, by the Law Clerk or other departmental officer.

Even if this work were not confided to the Law Clerk, it seems to us that his department might, in addition to its present duties, be required to perform others which would, by increasing the information of the House, tend to a more intelligent consideration of the measures brought before it, as well as insure more simplicity and uniformity in the style of its enactments.

The English Statute Commissioners, in their supplementary report, in 1856, gave the outlines of a scheme for a similar object, and recommended "the appointment of an officer or Board, with a sufficient staff of legal assistants, whose duty it should be to advise on the legal effect of every bill which either House of Parliament should think fit to refer to them; and, in particular, on the existing state of the law affected by the bill, its language and structure, and its operation on the existing law; and also to point out what statutes it repeals, alters, or modifies, and whether any statutes, or clauses of statutes on the same subject matter are left unrepealed or conflicting, so that the House may have at its command the materials which will enable it to deal properly with the bill." The report proceeds: "The powers of both Houses, and of all members of each House, would remain inviolate; but assistance would be provided for them, as well in advising on the effect of bills at the time of their introduction, as in watching them in their progress through Parliament, and keeping them in harmony with the whole law. The labour and anxiety