

And whereas, We deem it advisable that the commission, which it was proposed to constitute after the preparatory work of consolidation as aforesaid had been completed, should be constituted without delay.

Now, therefore, know ye, etc., that reposing etc., by and with the advice of our Privy Council for Canada, etc., We do hereby constitute and appoint you the said (*names of Commissioners*) to be our commissioners to consolidate and revise the Statutes of Canada.

To have and to hold, etc., the said office of, etc., with all powers, etc., during pleasure. And we do hereby appoint you, the said the Hon. Sir Alexander Campbell, to be chairman, and you, the said William Wilson, to be the secretary of this our commission, and hereby authorise and require you to report to our Privy Council for Canada from time to time as they may require, what may have been done by you in the premises, and to transmit to them all such tables, schedules, annotations, classifications, collections, revisions, and consolidations as may have been prepared.

In testimony, etc.

Dated 7th June, 1883.

On the 31st December, 1884, as aforesaid, the Commissioners made the following report:—

*To His Excellency the Most Honourable the Marquess of Lansdowne, Governor-General of Canada, etc.*

MAY IT PLEASE YOUR EXCELLENCY:—

The Commissioners appointed to consolidate and revise the Statutes of Canada, have now the honour to submit a draft of the work entrusted to them.

In preparing the several chapters, care has been taken to preserve uniformity of language throughout, to remove redundancies, and to arrange the provisions of the law in the most natural sequence. To effect this it has, in very many instances, been necessary to divide chapters, and divide and transpose sections. The Interpretation Act provides that the law shall be considered as always speaking, and for that reason the present tense has been used in the consolidation.

Among the Statutes of the several Provinces, passed previous to Confederation, there are certain Acts in respect to which doubts have arisen as to the authority with which the legislative power rests. There are also Acts, both among the Statutes above referred to and the Statutes of Canada, which it has not been considered advisable to consolidate, although their repeal is not recommended. These include Acts authorizing the raising of loans by Government, Acts of indemnity, Acts relating to specific localities less than a whole Province, and Acts of a temporary character. These Acts have been collected in a separate schedule.

Another class of provisions, which make violations of Acts within the legislative power of Provincial Legislatures indictable offences, and provide for their punishment, have also been collected in a separate schedule. It is suggested that provision should be made that these should be repealed in each instance, from the time when the punishment of the offence, by fine or imprisonment, is provided for by the proper Provincial Legislature.

A table is appended to each chapter, showing what Acts are proposed to be consolidated therein, the por-

tion consolidated, the portion which it is proposed to repeal, the portion to be consolidated elsewhere, and a note of the Act with which such latter portion is to be incorporated, and to each section is attached a reference, showing the corresponding Act and section of the Statutes now in force.

When material changes have been found necessary, a note in smaller type has been inserted, showing the nature of the change, or the new matter is printed in italics.

Ottawa, 31st December, 1884.

This report, with the draft of the work therein mentioned, was laid by order of His Excellency the Governor-General, before both Houses of the Parliament of Canada, and by them referred to a Joint Committee of the Senate and House of Commons, of which the Minister of Justice was chairman, and examined and reported by the said Committee with certain amendments.

These amendments were attended to by the Commissioners in their final Report made in the following year. They will be found in the Minutes of Proceedings of the Senate of Monday, 6th July, 1885, with the report of the Committee. They relate mainly to changes made, not in the substance, but in the expression of the law, to render it clearer and to better ensure the accomplishment of its intent. They extend to the Schedule A annexed, providing for the repeal of certain Provincial enactments; and their most striking effect is to reject the suggested repeal of enactments respecting the observance of the Lord's Day. The report of the Committee contains the following passages: "The Committee have carefully examined the consolidation and revision submitted to them." "Without retracing the whole labour of the Commissioners in preparing the draft of the proposed consolidation and revision, it was impossible for the Committee to compare with the original each of the sections represented to be transcripts of sections now in force, to verify absolutely the completeness of the consolidation, or to ascertain beyond doubt that no statutory provisions have been omitted or repealed provisions included. The time at the disposal of the Committee did not allow more than a general examination and the application of tests to ascertain the character of the work in these respects. In the opinion of the Committee it has been well and carefully done."