

THIRD REPORT OF THE COMMISSIONERS FOR CONSOLIDATING THE STATUTES.

mission for revision. As soon as this revision was completed, the matter was put in page form, and again submitted to the members of the Commission in order that it might receive further revision. When completed, an edition of 500 copies was issued, and distributed to the Members of the Legislative Assembly and to other persons likely to furnish suggestions with regard to any particular branch of the law.

We are glad to be able now to submit to your Honour a copy of this portion of the work.

This is only one of the three divisions of the statute law affecting Ontario, with which, by the Commission appointing us, we were empowered to deal.

We have already had the honour to submit with our second report a collection of Imperial Acts affecting Ontario, made by us in the performance of a second branch of our duty.

The third branch of the work entrusted to us was to examine and arrange all the Public General Acts of the late Province of Canada and of the Dominion, in force in Ontario, and relating to matters not within the legislative authority of the Provincial Legislature.

This portion of our duty was pursued to some extent; and a first part, comprising probably, a third of the collection, accompanied our second report, and was printed and distributed. The completion of this collection has been temporarily abandoned, in anticipation of a consolidation by the Dominion Government which will comprehend the Acts of which the Ontario collection would have been composed, and to ensure the completion, without delay, of the important portion of the Revision now submitted. A Table has been prepared, to be appended to the portion of the Revision which accompanies this report, giving a complete list of the Acts which were intended to be included in such a collection, which list, it is hoped, may be of some service until the Dominion consolidation is published.

In our first Report, with reference to the difficulties against which we have to contend, we had occasion to refer, amongst others, to those which arise from the creation by the British North America Act, 1867, of two distinct sources from which legislation affecting this Province

may proceed. This feature in the present Revision has presented by far the gravest embarrassments. For instance, the British North America Act (s. 91), conferred upon the Parliament of Canada exclusive powers of legislation upon the following subjects:—

1. The regulation of Trade and Commerce.
2. Bills of Exchange and Promissory Notes.
3. Interest.
4. Bankruptcy and Insolvency.

but it is a matter of some nicety to draw the line which separates these matters from others in relation to which the Provincial Legislature may exercise exclusive powers of legislation.

The provisions in respect to which such questions arise, may be divided into the following groups:

1. Provisions constituting entire Acts:
2. Provisions consisting of portions of Acts forming substantive enactments, and not dependent for their meaning upon the context of the Act in which they occur:
3. Provisions consisting of portions of Acts so connected with the enactment in which they occur, as to be insensible if separated from it.

With respect to the first two groups, the mode in which we have dealt with them has varied according to the degree of doubt entertained with regard to them. Some have been omitted from the consolidation, as probably *ultra vires*; others have been consolidated, but, at the same time, we would suggest the expediency of excepting the original Acts or clauses from any general repeal that may be made of the law existing prior to the date upon which the Revised Statutes become law.

With respect to the third group (unless the questionable clauses come within the class relating to the Criminal Law, of which mention is hereafter made), it would seem proper to except the Acts in which the clauses occur, from any general repeal of the existing law, and to apply to the Dominion Parliament for such legislation as may be requisite.

One source of trouble, occasioned by the mode of distribution of the legislative powers in regard to the Criminal Law, requires special mention.

Amongst the subjects in regard to