

THE CONSOLIDATION OF THE STATUTES.

duties. But whilst we take exception to the scheme which has brought about the result, we should show very little knowledge of the learning and ability of the Vice-Chancellor, who has just been gazetted as one of the Justices of Appeal, ("Senior Justice" it is said, whatever that may mean), if we deprecated his appointment, for we venture to assert, that high as he stood as a Judge of first instance, his reputation will be greater when his duties will be chiefly with matters of pure law. And if we are correctly informed as to the other gentleman who is to be taken from the present Bench, his appointment will be equally unexceptionable, and alike honourable to himself as to the appointing power. But notwithstanding this, we have no hesitation in saying that the profession and public would be best satisfied if a higher salary had been attached to the position of the Justices of Appeal, and if the three Chiefs had been placed in the appellate court.*

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We are glad to hear that the work of consolidating the Statutes applicable to Ontario is under way. The consolidation of 1858-9 was entrusted to men of great experience, having amongst their number some of the highest legal talent of the

* Since the above was written, and as we go to press, we hear that Mr. Justice Gwynne has declined to go into the Court of Appeal, on the terms of the *Gazette*, appointing Mr. V. C. Strong as "Senior Justice." We presume on the very intelligible ground that when the position was offered to him it was on the implied understanding that the order of precedence between himself and any other person who might be appointed should not be interfered with, and that the inversion of precedence was in fact a breach of faith on the part of the government, and contrary to established usage. The gentlemen from the Bar will probably be Mr. Burton, Q. C.; Mr. Proudfoot, Q. C.; and Mr. C. S. Patterson, Q. C.

country. The result was on the whole very satisfactory. A different plan is to be adopted on this occasion, and though doubts have been expressed as to the advisability of the course proposed by the Attorney General, we do not intend, as the plan has been settled, even if we desired to express any strong opinion against it, to say anything which could in any way create an unfavourable impression of that which should and will be judged solely upon its merits, when the important work has been completed.

The preliminary work will be done by three junior Barristers, under the immediate and direct supervision of the Attorney-General, and we understand it is intended that all doubtful questions which may arise as to jurisdiction, construction, implied repeal, &c., will be referred to the judges, either from time to time during the progress of the work, or in bulk as soon as the consolidators have brought the new volume as near perfection as they can. Of course the obvious difficulty that presents itself is, whether the Attorney-General and the judges can find the time to devote to such an arduous and engrossing business, for to be of any use, they must not only be all agreed upon the scheme of consolidation, but must also be thoroughly familiar with the details of the preliminary work, in fact it would be desirable that they should follow it from the beginning to the end; this, however, would be manifestly impossible.

All this would seem to show, if there is any force in our objection, that the whole work should have been entrusted to persons of the same experience and calibre as those who had charge of the consolidation of 1858-9; but, on the supposition that the Attorney-General and the judges can give the necessary time to it, we see many advantages in the proposed plan.

It will be necessary in the first place, to lay down some general plan on which