

PRELIMINARY REPORT

Of Hon. J. H. GRAY on the Uniformity of the Statutory Laws of the Provinces of Ontario, New Brunswick and Nova Scotia.

OTTAWA, 9th February, 1871.

SIR,—Having been requested by you to examine the laws of the Provinces of Ontario, New Brunswick and Nova Scotia, with a view to preparing for a Commission, hereafter to be issued for the uniformity of the laws of those three Provinces, under the 94th section of the British North America Act of 1867, in accordance with the provision made by Parliament to that effect. I have the honor to enclose a report of the progress made with reference thereto.

The plan finally adopted has been to gather together the statutes in each Province, bearing upon any particular subject, omitting, as a general rule, those subjects on which the Dominion Parliament, under the Union Act, has an exclusive right to legislate, such as the Criminal Law, the Militia Law, Navigation and Shipping, &c., subjects on which uniformity could be secured without the action of the Local Legislatures, but, nevertheless selecting from those subjects, one, Bills of Exchange and Promissory Notes, as coming within the daily operations of the merchants and traders of the three Provinces, for the purpose of illustrating the differences in some of the most ordinary branches of business.

The next step was to make a summary of the provisions in each Province bearing on the subject selected, placing the same in parallel columns, giving as nearly as possible the corresponding sections of the Acts of each Province, with the substance of each section, for facility of reference, and in a general column of remarks at the close, pointing out the difference. In some instances where the mode of legislation was so entirely dissimilar, as hardly to admit of a selection of corresponding sections, then to give a concise review of the main parts of the mode adopted in each Province.

In carrying out this plan it was found that while both in Nova Scotia and Ontario, the statutes had been revised up to a much later period, and that in both an available index to their statutes to within the last four or five years could be found, yet in New Brunswick there had been no revision since 1854, and no general index for sixteen or seventeen years.

First.—It, became, therefore, necessary to prepare such an index. This was done. A copy is annexed.

Secondly.—As there were many of the Imperial Statutes, which affected the Dominion—were frequently referred to in the courts—governed the administration of justice, and bore upon the property and civil rights of the three Provinces, of which statutes no collection had been made or existed in any compact form in any of the Provinces; it was thought advisable to make one, briefly referring to them by their titles and subject matter, when they were not of a character frequently to be cited; when they were, by giving the sections in full, as well as the title and subject matter; but omitting all parts of the statute not bearing upon British North America. This was done. A copy is annexed.

Thirdly.—Applications were made to the Provincial Secretaries of the Provinces of