

DEFECTIVE LEGISLATION.

ings. Though not very complimentary to the profession, there is probably some force in the objection; but there could be no objection whatever if the liquids were "something soft" instead of "hard." (We use these words advisedly, as they are now familiar to ears judicial, and, in fact, have acquired a technical meaning by reason of the evidence in the *South Ontario Election* petition and other kindred cases). There is, in truth, no necessity for more than such mild refreshments as have made "Coleman's" a popular resort to those adventurous spirits who, in their desire for a cup of coffee, sometimes find their cases struck out on their return to court. These things could be rectified at once; but when the scheme of taking the Court House to the north side of Osgoode Hall is carried out, we may expect to see other improvements, in the way of extra rooms for consultations and arbitrations, also a room for the reporters, and for witnesses when excluded from court or when waiting for the case in which they are to testify. Possibly there may, even now, be some spare rooms that could be used for these purposes.

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"If the framers of Acts of Parliament," said the Lord Chief Justice of Ireland in the course of a recent argument, "had an opportunity of listening to the arguments in Courts of Justice which they sometimes involved, it might have the effect of leading to some improvement in the phraseology of enactments, and in preserving their consistency; and they would then perhaps learn how much time and money are wasted in endeavouring to make out what these acts were really intended to mean."

The subject of the defects in forms of Acts of Parliament is as old as the earliest

Act of Parliament itself. In England it is found that the provisions for the revising of bills which are apparently analogous to those in this province, do not by any means insure accuracy and lucidity in the acts. The Statute Law Commissioners in England report in favour of the appointment of an officer or board, with a sufficient staff of assistants, whose duty it should be to advise on the legal effect of every bill which either House of Parliament should think proper to refer to them,—in a word, as the *Irish Solicitor's Journal* puts it, "a minister who shall really be responsible for the administration of the law and its amendment, with power to procure such learned assistance as will enable him to cope with the task of throwing the wishes of the Legislature into intelligible shape, and expressing them in intelligible language."

The expenses of governing this province are already such as to preclude the hope that any plan equal to the requirements of the case should be adopted. As long as Ontario enjoys the privilege of making local laws, so long must we expect these laws to be hard of interpretation. But errors such as those to which a correspondent, "E. W.," has called our attention, might surely, by the exercise of ordinary care, be avoided. 36 Vict. cap. 135, (Ont.) the Act respecting the Property of Religious Institutions, professes by sec. 18 to repeal 35 Vict. cap. 36, which is "An Act for the Prevention of Corrupt Practices at Municipal Elections." The act intended to be repealed is obviously 35 Vict. cap. 35. Our correspondent, if he had pursued his inquiries further, would have found another blunder in the same sec. 18. It purports to repeal 27, 28 Vict. cap. 43, "An Act to amend the Law in *qui tam* Actions in Lower Canada," instead of cap. 53. The general principle applicable to the construction of statutes is that the courts, in a clear case of clerical error or misprint, may read the statutes so as to