

Statutes of Canada. The materials in either case were "public general Statutes," and the work to be done was "to examine, revise, consolidate, and classify" them.

The limits set to the powers of the Commissioners, deserve attention. No power to amend law was conferred. The only power given was to do certain things with a particular class of Statutes, viz., public general Statutes. No local or private Acts are at all to be interfered with. The things to be done are to examine, revise, consolidate, and classify. No power to codify is given.

Two years after the organization of the Board, a volume intitled "The Public General Statutes which apply exclusively to Upper Canada, as revised by the Commissioners for that part of the Province," is at length issued. This appears to be the first instalment of the great work of consolidation. The next, will be a similar volume from the Commissioners appointed for Lower Canada. The third and last will be the joint work of the two Boards, or public general Statutes applying to the whole Province.

The volume before us—the product of 14 volumes reduced—is a very creditable performance. It has not yet been, we are informed, generally distributed. The only copies yet issued have been to Judges and those in authority. When distributed generally among the profession, which we presume it will be ere long, we shall endeavor to gather the feeling of the profession and pronounce more at length upon the merits or demerits of the work done. We shall then take the opportunity of examining the powers delegated to the commissioners, and the manner in which the delegated powers have been exercised. In all probability the whole subject of consolidation and codification as applied to the laws of Canada, will then receive our attention.

CODIFICATION OF THE LAWS OF NEW YORK.

In 1848, Arphaxed Loomis, David Graham, and David Dudley Field, were appointed, by the State of New York, Commissioners to revise, reform, simplify and abridge, the rules and practice, pleadings, forms and proceedings of the Courts of Record of the State, and to report thereon to the Legislature, subject to their adoption and modification from time to time, &c.

In 1849, two codes—the one on civil procedure, and the other on criminal procedure—were reported by the commissioners to the Legislature.

On 6th April, 1857, the State passed an Act "for the appointment of Commissioners under the seventeenth section of the first Article of the Constitution, to prepare a Civil Code."

The three Commissioners appointed are David Dudley Field, William Curtis Noyes, and Alexander W. Bradford.

It is made their duty to reduce into a written and systematic code the whole body of the law of the State, or so much and such parts thereof as shall seem to them to be practical and expedient, excepting always such portions of the law as have been already reported upon by the commissioners of practice and pleadings, or are embraced within the scope of their reports.

The commissioners are, by this Act, directed to divide their work into three portions; one containing the political code, another the civil code, and a third the penal code. The political code to embrace the laws respecting the government of the State, its civil polity, the functions of its public officers, and the political rights and duties of its citizens. The civil code to embrace the laws of personal rights and relations of property, and of obligations. The penal code to define all the crimes for which persons can be punished, and the punishment for the same. No portion of either of the codes to embrace the Courts of Justice, the functions or duties of judicial officers, nor any provisions concerning actions or special pleadings, civil or criminal, or the law of evidence. It is expressly declared that the commissioners are to receive *no compensation whatever*.

A preliminary duty made incumbent on the commissioners, was to report to the legislature, at its annual session in 1858, a general analysis of the codes projected by them, and the progress made by them therein.

This preliminary duty has been performed with great ability and dispatch; and we have to thank Mr. Field, the Tribonian of New York State, for a copy of the Analysis. We learn from the Introduction to the Analysis, that the political and penal codes are already far advanced; and that of the civil code only a small part has yet been written.

The commissioners state that immediately upon their appointment they entered upon the performance of the duties committed to them, impressed with the magnitude of the undertaking, the difficulty of its accomplishment, and the necessity of caution and deliberation in every step they should take; but with a determination to recoil from no obstacle possible to be overcome by their efforts, and to submit to any amount of labor and sacrifice necessary for the preparation of a code for the whole body of the law.

With such an appreciation of this stupendous undertaking, and with such a determination to carry it through to completion, there can be little doubt that the whole will be successfully performed.

It is not a little singular that within the past ten years simultaneous efforts have been made in Great Britain, Canada, and the State of New York, for the consolidation or codification of law. In Great Britain the most strenuous efforts have been made for the *consolidation* of the whole *Statute* law of the kingdom—so far, however, with only