

and to the gradual incorporation of much of the Statute Law of each of the late Provinces into new Statutes, which shall extend to the whole population.

Indeed the two Sessions of the United Legislature have already produced so many alterations of what used to be the Statute Law of Upper Canada, that it would scarcely have been worth while to have taken up the Statute Book, as it stood at the time this Commission was issued, with a view to classifying the several enactments according to their subject matter. The Statutes which have been passed since the Union, respecting Education, the establishment of Municipal Councils, the Criminal Law, Inferior Courts, Elections, and several other matters, have made such extensive changes that they render a great part of the Statute Book of Upper Canada a dead letter. A few years hence, perhaps, a revised edition of the Statutes in force in Canada may be published with advantage, when those points shall have been ascertained on which it may have been found desirable, and convenient, to make the Statute Law the same in both divisions of the Province.

In this edition we have done nothing more than to present the whole of the Statute Law of Upper Canada, as it stood on the tenth of February, one thousand eight hundred and forty-one, when the Proclamation was issued uniting the two Provinces, carefully expunging what we found to be not in force at that time; and giving such marginal references as will direct attention, we hope, to all that has been enacted on each subject, up to the time of the volumes passing through the press.

We have not expunged anything that formed part of the Law in force at the time of the Union; because we considered that we were desired to exhibit the whole, as it stood when Upper Canada ceased to be a separate Province; but we have referred to such of the provisions of the Act of Union, and to such enactments of the United Legislature, as have interfered with any of these Statutes, or as may be required to be considered in connection with them.

The volume containing the Public Acts had passed through the press, before the second Session of the United Legislature occurred; and could not therefore contain any references to the Acts of that Session, and it will be found, also, that some of the earlier Statutes are printed without reference to Statutes passed in the first Session of the United Legislature, though the latter affect some of their provisions.

This was unavoidable, because that portion of the work had been struck off, before the Statutes of that Session were passed.

Although we could not take the liberty of transposing the public Statutes, either wholly, or in part, and have therefore printed them in the order of time, as they were passed; yet we have ventured, for the sake of convenience, in publishing the Private Acts, to collect them in a separate volume, and to arrange them according to each subject.

The first volume will be found to contain the heading, at least, of every Statute, whether public or private; (with one accidental omission, the Local Act for the division of the County of Prince Edward, which formed the seventeenth chapter of the Session of one thousand seven hundred and ninety-seven,) all standing in the order in which they were published at the end of each Session.

Every chapter will thus be found accounted for in the first volume, and in its proper order, in each Session, being either published at length, or the heads only, if it has been repealed, or expired, or if it be a Local or Personal Act, the heading only will be found in the first volume, with a reference to the second volume for the Statute printed at large.

In many of the Statutes there are inaccuracies, such as misrecitals of former Statutes referred to, repugnance between the title or preamble and the enactments, and sometimes errors arising from assuming provisions to be in force which had been repealed before, or vice versa. These we could not, of course, venture to correct; but we have generally, perhaps always, made some note of the error.

In some few instances we found it not easy to determine whether a particular Act, or part of an Act, continues in force, or has been superseded by some later provision; and whenever we thought the point in any degree doubtful, we have refrained from expunging the enactment, because a decision of ours, though it might seem to be authoritative, could not in fact control the judgment which Courts of Law might have to form upon the same questions, and it might therefore mislead.