

60TH VICTORIA, 1897.

3RD SESSION—8TH LEGISLATURE.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council, on the 8th day of November, A.D. 1897.

DEPARTMENT OF JUSTICE, OTTAWA, 2nd November, 1897.

To His Excellency the Governor General in Council :

The undersigned has had under consideration the Statutes of the Province of Ontario, passed in the sixtieth year of Her Majesty's reign (1897), received by the Secretary of State for Canada on the 23rd day of April, 1897, and has the honour to report that with the exception of the statutes herein specially referred to, they may be left to their operation without any observations.

The following statutes, however, appear to call for some observations:—

Chapter 3. "An Act to provide for the Consolidation of the Statutes of Ontario."

This Statute provides for the bringing into effect, by means of a proclamation of the Lieutenant Governor in Council, a consolidation of the Statutes of the Province of Ontario, which has been prepared or is being prepared by Commissioners appointed for that purpose.

It is provided that the Commissioners in consolidating the Statutes may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and also such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature, or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors. It is also enacted that these Revised Statutes shall not be held to operate as new laws, but shall be construed and shall have effect as a consolidation of the law as contained in the Acts and parts of Acts repealed, and for which the Revised Statutes are substituted.

It does not seem to be intended, therefore, that the Commissioners shall in the revision make any substantial change in the Statute law of the Province. The various enactments with which the Commissioners have to deal have, from time to time, as they were assented to, been considered by the Government of Canada in the manner provided by the Constitution, and they have been left to their operation generally without comment, but in many cases subject to remarks which the Ministers of Justice have thought proper to make with regard to them.

The undersigned recommends that the Act be left to its operation, the consolidated Acts being subject to the observations which were made with respect to the Acts consolidated when these were originally enacted.

Chapter 9. "An Act respecting the Fisheries of Ontario."

This Chapter appears to contain a consolidation of the previous Statutes of the Province respecting fisheries. It does not in various respects conform with the views heretofore urged on behalf of Your Excellency's Government in respect of Provincial jurisdiction in the matter of fisheries, nor is it in all respects consistent with the judgment of the Supreme Court of Canada recently pronounced