

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers /  
Couverture de couleur
- Covers damaged /  
Couverture endommagée
- Covers restored and/or laminated /  
Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /  
Planches et/ou illustrations en couleur
- Bound with other material /  
Relié avec d'autres documents
- Only edition available /  
Seule édition disponible
- Tight binding may cause shadows or distortion along  
interior margin / La reliure serrée peut causer de  
l'ombre ou de la distorsion le long de la marge  
intérieure.
- Blank leaves added during restorations may appear  
within the text. Whenever possible, these have been  
omitted from filming / Il se peut que certaines pages  
blanches ajoutées lors d'une restauration  
apparaissent dans le texte, mais, lorsque cela était  
possible, ces pages n'ont pas été filmées.
- Additional comments /  
Commentaires supplémentaires:

**Cover title page is bound in as last page in  
book but filmed as first page on fiche.**

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed /  
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /  
Qualité inégale de l'impression
- Includes supplementary material /  
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips,  
tissues, etc., have been refilmed to ensure the best  
possible image / Les pages totalement ou  
partiellement obscurcies par un feuillet d'errata, une  
pelure, etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.
- Opposing pages with varying colouration or  
discolourations are filmed twice to ensure the best  
possible image / Les pages s'opposant ayant des  
colorations variables ou des décolorations sont  
filmées deux fois afin d'obtenir la meilleure image  
possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

<b>10x</b>		<b>14x</b>		<b>18x</b>		<b>22x</b>		<b>26x</b>		<b>30x</b>	
						<input checked="" type="checkbox"/>					
<b>12x</b>		<b>16x</b>		<b>20x</b>		<b>24x</b>		<b>28x</b>		<b>32x</b>	

---

2nd Session, 5th Parliament, 19 Victoria, 1856.

---

## REPORT

Of the Law Clerk, under the Order of the  
8th November, 1854.

(*Mr. Gamble.*)

---

ORDERED, *by the* LEGISLATIVE ASSEMBLY, *to be*  
*printed, 3rd April, 1856.*

*Printed, 7th April, 1856.*

---

---

TORONTO:  
PRINTED BY JOHN LOVELL, YONGE STREET.

# R E P O R T .

---

To the Honorable the Legislative Assembly of Canada, in  
Parliament assembled;

The undersigned, Law Clerk of Your Honorable House, has the Honor to make  
the following REPORT :

In obedience to the order of Your Honorable House, made on Mr. Gamble's motion of the 8th of November, 1854:—"That the Law Clerk of this House, "with such assistance as he may deem necessary, and which assistance he is "hereby authorized to procure, do prepare an Index of the Statutes now in force "in this Province, as full and complete, and upon the same plan, as that of the "revised Statutes of Canada West; which Index shall be made and finished in "time to be printed with the Statutes that may be passed during the present "Session, and shall be printed and bound up with them;" I lost no time in endeavoring to engage sufficient assistance in the preparation of the said Index and the revision of the Statutes, which formed an essential preliminary to it. In Upper Canada, I was fortunate enough to secure the services of Mr. W. C. Keele, who commenced the work immediately; but in Lower Canada I had more difficulty, and failed to find any one who was able and willing to perform the work in the time within which it was necessary that it should be done, if it was to be revised and printed at any period before the commencement of the present Session.

I soon found, also, that even if all that I could depute to another were done for both sections of the Province by the time the Statutes of the now last Session were printed, it would still be impossible for me properly to revise, correct and print the work before the time when the next (now present) Session would probably commence. As the Index was ordered on motion of an Upper Canada Member, and the necessity for it appeared to be most strongly felt in Upper Canada, I determined to press on with the portion of the work relating to that division of that Province,—including the Statutes common to all Canada, and to leave the Lower Canada portion until after the present Session, when it will, of course, embrace the Statutes of this Session and their effect upon former Statutes; and as I have now secured an efficient and willing assistant in Mr. E. J. Hemming, Advocate, of Montreal, and as the part of the work common to both divisions of the Province will require only such correction as the Acts of this Session may render necessary, I hope to publish the Index for Lower Canada considerably earlier after the Session than I was able to publish that for Upper Canada. Indeed it is necessary that it should be ready as early as possible, since the Lower Canada Index must be translated and printed in French as well as in English, and this necessity formed another obstacle to my publishing both parts of the Index at the same time. It may be fairly expected that Lower Canada will profit by the experience I have had.

A copy of the printed work accompanies this Report, and in the prefatory notice prefixed to it, and to which I beg leave to refer, I have stated various details which it is unnecessary to repeat here; there are, however, a few points on which some farther observations may be appropriate.

In printing the work I adopted the Octavo form, now used for the Statutes, but chose rather a smaller type, for the sake of getting more upon a page, and yet leaving an ample margin, which I hold to be absolutely necessary in a work of this kind, in which every Session must of course, make changes which persons using the Index may desire to note, from time to time, more or less fully, under the proper heads. I thought it unnecessary to refer to the Acts cited, as being respectively Acts of Upper Canada or of Canada, because their dates sufficiently distinguish them: those prior to the 4 & 5 Vict. must be Acts of Upper Canada, and all the others, Acts of Canada.

Where it could be done without risking a confusion of figures, after the year of the Reign, the year of our Lord is added, there being many persons to whom the latter conveys a clearer impression than the former. I found that to add the page would only create confusion; when the chapter, Reign or year, or the A. D. are known, there will be no difficulty in finding the Act in any edition.

I strongly recommend the printing and general distribution of the Tables relative to the Statutes now or heretofore in force in Upper Canada, of which Mr. Keele is now making the fair copy, intending that they shall be ready for final revision, correction and publication as soon as possible after the close of the Session.

I at first entertained hopes of completing them, so as to make them part of the volume containing the Index; and when I found this was not possible, I thought it might be worth while to prepare so much of them as related to Acts in force, and I had a few copies printed of the part relating to Acts passed since the Union, one of which copies I annex to this Report.

But, upon further consideration, it appeared to me that the portion relative to the Acts not in force was of still greater importance, as shewing how and when they had ceased to be so, and I therefore determined to have the Tables so prepared as to include all the Acts in force or not in force, and so as to shew, with regard to each,—the Reign, year, and chapter,—whether originally permanent or temporary,—if temporary, whether continued and to what time, and by what Act or Acts, and, consequently, whether still in force or not,—and in all cases, whether any and what parts have been directly repealed or amended, and by what Act or Acts,—adding, also, as to each Act in force, references to any provisions of subsequent Statutes which might appear to have indirectly repealed, superseded, or modified any of its provisions. In fact making the Tables a brief history of all the Acts, and a brief statement of the effect of the later upon the earlier Statutes; and affording directly the information omitted or given only indirectly in the Index.

I append to this Report a copy of similar Tables which were prepared and published by the Commissioners for revising the Statutes of Lower Canada, before publishing the revised edition of those Statutes, of which, indeed, the tables formed the basis. The classification will be unnecessary in the Tables I propose, inasmuch as it has been made in the Index already published. Tables of the same nature have been prepared and in part published, by the English Commissioners for revising the Statute Law, as the first step in their work. They have adopted a more strictly Tabular form, in columns, but this seems ill-adapted to our own Octavo page and a fair-sized type, and even with a Quarto page and small type, much room would be lost, unless the information was of the most meagre kind. The form of printing is, however, still perfectly open to any suggestion for its improvement, and a better form than either of the two submitted may, perhaps, be devised when the work comes to be printed.

When Mr. Gamble made his motion, I was afraid that it would not be possible to complete and publish the index, with sufficient accuracy, within the utmost time allowable; but it has now been done, and if his original intention of renewing the index from time to time should be carried out, every re-publication will

not only be easier to effect, but will be more accurate and better in all respects than its predecessor. I could and did verify every reference so as to become responsible for the correctness of each, but it was not possible to be always sure that under each title every reference had been made which ought to be so, without an amount of labor which the time allowed did not permit, and thus it sometimes happened (as I have stated in my prefatory notice) that something which ought to have appeared under a title earlier in the alphabet, was entered under a later title either of the same import or nearly related to it. In a future edition, the same difficulty would not exist. One fact at least appears clear,—that Mr. Gamble's plan is the only one by which a Revision of the statutes can be made and the result laid before the public, between session and session. Both in Upper and Lower Canada, a large portion of the Revised Statutes had ceased to be in force before they were published.

A very small number of the old revised statutes of either portion of the Province now remain in force; about two hundred pages of the present form would hold all that remains of the public general statutes of either Upper or Lower Canada in force at the time of the Union. The whole of the public general statutes in force in either exclusively, would take about 1050 pages, the quantity of matter being about equal for Lower and for Upper Canada; while about 950 pages would hold the laws in force throughout the whole Province of Canada. I was much pleased to find the last class so large, and hope to see it further enlarged by embracing in it some or all of the subjects of Commercial Law.

As the Order of the House directed that the work should be distributed with the statutes, I felt justified in authorising its distribution in the same form and manner, and in the same number as the statutes are distributed in Upper Canada, with a proper proportion for Members of the Legislature, and Public Officers and Departments in Lower Canada. The number requisite, I was informed by the Queen's Printer, would be 6,500, and I was also informed by him that the cost of the statutes was £2 10s., per page for 8,000 copies. At this rate, the cost of 6,500 copies of the index (say 435 pages) would be about £900. This, I believe, includes composition, press-work, and paper,—but not the binding, which would, of course, cost about the same as for the statutes. I trust that the utility of the work will more than justify the expense incurred.

With respect to the remuneration to be made to Mr. Keele for his services, I had no power to name any definite rate or amount, and he was perfectly willing to leave the matter in the hands of the House. I could only assure him that he would be fairly dealt with. I now earnestly request that his remuneration may be liberal. I annex to this Report a letter from him upon the subject, every word of which I believe to be true, and for much of which I can vouch, and I again bear willing testimony to the ability and unwearied zeal and industry with which he performed the task assigned him, and rendered me the most efficient assistance in every way.

I annex an account of the moneys received from the Clerk, and the expenditure incurred by me.

Mr. Harrison I have paid in full with the funds I drew for the purpose from the Clerk. I was only sorry that his official duties prevented him from giving me further aid, and that circumstances prevented my availing myself to a greater extent of what he did for me.

As regards myself I am the servant of the House; but as I believe it is intended that I shall in some shape receive remuneration for the work, I will briefly state the facts bearing upon the question. From the beginning of 1855 to the middle of August (say 7½ months) I was fully occupied by my official duties, and I think that in that period, working as I did at least ten hours a-day, I may be said to have done a fair year's work. From that time to the end of January, 1856, with the exception of about three week's lost by the removal of the seat of

Government, I was incessantly engaged in revising, improving, and printing the index, working sessional hours and with sessional diligence, without which the work could not have been ready before Parliament met. Ever as it was it could scarcely have been so, had I not during the recess of 1854, gone carefully over the statutes for the purpose of making the smaller index which I published in the autumn of that year, and which served as a basis for the present work. The labor connected with the very important task assigned to me, was all the more wearing from the short period into which it was necessarily crowded, and from its reaching from the end of the work of one session to the beginning of that of another, except the time actually occupied in removing to Toronto, which was assuredly no holiday.

With these remarks I most willingly leave both Mr. Keele's claim and my own in the hands of the House. The Government has lately appointed Commissioners to continue and complete the revision, classification and consolidation of the statutes, and will probably have obtained some information and adopt some conclusion which will facilitate the House in determining the compensation to which we are entitled.

The whole, nevertheless, humbly submitted,

G. W. WICKSTEED.

Law Clerk's Office, Legislative Assembly,  
17th March, 1856.

#### ACCOUNT.

Sums received by the undersigned on account of the Index, under the order of the Legislative Assembly of the 8th Nov., 1854.

21st September, 1855.—From the Clerk.....£150

Sums expended for the same :

12th October.—To R. A. Harrison, Esq., in full.....£ 50

26th October.—To W. C. Keele's draft on account.....£100

To expenses of journey from Quebec to Toronto and back in

August ... ..£ 10

£160

MR. KEELE'S LETTER REFERRED TO IN THE FOREGOING REPORT.

TORONTO, 12th February, 1856.

G. W. Wicksteed, Esq.

DEAR SIR,

In case reference should be made to you with respect to my remuneration as your assistant in the preparation of the Index to the Statutes in force, I beg leaving shortly to recapitulate the nature and extent of my services.

They consist of the following heads :

1. A careful examination of all the public general Acts in order, by such examination, to satisfy myself preparatory to the Index, of the accuracy of your own manuscript notes and printed Index which you sent me, and which, by such examination, I verified and found correct, noting on each Statute every repealed or unrepealed clause or section.

2. Preparing the manuscripts of the Index to all the public general Acts remaining in force.

3. Preparing a table of all the Statutes, (public, private, and local,) in their chronological order, showing the sections of the public Acts repealed, according to the plan which you suggested.

4. Examining at your request the printed sheets of your portion of the work in order, by double revision, to insure accuracy.

5. In addition to the above I assisted in revising the proof sheets, as they came from the press, and attended numerous conferences with you in the discussion and consideration of every questionable item.

I have been constantly engaged in these duties from the time I undertook the office in November, 1854, up to the publication of the work in January, 1856, a period of 14 months. In the early stage of the work I was compelled to work double time in order to meet the views of the House, otherwise I could not have placed the manuscript in your hands at so early a period as I did. While the manuscript was in progress I seldom left my work before 12 at night, and I think I may fairly compute my extra time at 4 months, making in all a period of 18 months of fair business hours, I have been engaged on this truly important work.

I am still engaged in transcribing and completing the table of the Statutes (No. 3.) which I hope shortly to have ready and hand to you.

I have had much pleasure in assisting you in the arduous duty assigned to you by the Legislature, and have the gratification of being assured by you that I have done so to your entire satisfaction.

It would be presumptuous in me to fix any value upon my services. I prefer leaving this entirely to the judgment and liberality of the Contingent Committee of the Legislature.

I beg leave to subscribe myself,

Dear Sir,

Your faithful and obedient servant,

W. C. KEELE.

DOCUMENTS ACCOMPANYING THE FOREGOING REPORT.

1. Printed Copy of the Index.
2. do. do. of a portion of the Tables.
3. do. do. of the Tables to the Statutes of Lower Canada.