will further be made the subjects of experimental codification by the English Legislature. There will probably be little difficulty in adapting such codes to the circumstances of New Zealand.

But with regard to the statute laws of the colony itself, there seems to be no reason why immediate steps should not be taken to consolidate and amend them.

Before proceeding to consider the mode in which this process ought to be conducted, I would call attention to a matter of very considerable importance and difficulty, which will require the attention of the Legislature. As the whole of the statute law of England in force on the 14th January, 1840, so far as it is applicable, is law in the Colony,—and as the British Parliament has, since that date, and especially in later years, expunged from its Statute Book a vast proportion of those laws, and has consolidated many of them,—it would seem most unwise if the Colonial Legislature were not to profit by the great reformatory labours of the mother country, and get rid of those statutory *incubi* which England has thrown off, adopting at the same time such of the consolidated Acts as may be suited to our local circumstances. It might be supposed that the former of these operations would easily be effected by the wholesale adoption of the Imperial Law Revision Acts; but a little reflection will suffice to prove that minute examination and scrutiny would be necessary, in order to justify the recommendation to the Legislature of the colony of such an apparently simple proceeding. [It is not desirable that I should make a digression at present to justify this remark.]

Assuming that consolidation of the colonial statutes is necessary, we have to consider what portions require it, what is the order in which the work should be done, and what particular method it is desirable to adopt.

Now, in the first place, there are several important heads of law with respect to which the work of consolidation has already been effectually performed, as, for instance, the "Law of the Justices of the Peace and Resident Magistrates" by the Acts of 1866, 1867, and 1868, and others. And it is to be remarked here, that it would be ridiculous and mischievous to reconstruct at once such Acts as these, merely for the purpose of introducing a few amendments made since the consolidation, although in publishing a new edition of the Statutes it might be desirable to group the amendment Acts, and to afford reciprocal references.

The best Consolidation Acts which can be produced will certainly be subject to amendments from time to time, and most probably soon after their first enactment. Whether it might not be desirable to adopt hereafter the system of never amending an Act at all, but instead thereof of repealing it, and substituting a new Act containing the old Act as amended, is a matter worthy of consideration.* In cases of comparatively small amendments of long statutes, the mode of amending by enacting that certain words shall be struck out, and certain others inserted, is a convenient one.

I come now to the grave question of the mode of consolidation to be adopted.

Mere consolidation, it may almost be assumed, would be entirely insufficient for the desired purposes. By "mere consolidation," I mean the collection and collocation of all existing statutory provisions upon a given subject, according to the subdivision and arrangements of which it may be capable. To construct this species of tesselated composition, representing the whole existing body of the written law on a particular subject, which the Legislature could be advised and might choose to declare to be the whole law, would be found in some cases impossible, and in few practicable; and it could never be confidently affirmed that the change of place and context effected in the language of the various enactments would not affect its interpretation, while the very collocation of provisions in *pari materia* would often manifest or suggest inconsistency, and create uncertainty.

It would appear, therefore, that to consolidate written laws with any advantage, it would be requisite to permit such *alteration of language* as would be necessary, in order to express in the clearest manner the ultimate will of the Legislature on each particular point. Indeed, the improvement of the expression of the laws would seem to be the most material object of a reformatory consolidation.

But the adoption of this improved expression by the Legislature implies more than mere assent to a legislative declaration of existing law, and in this respect the right of each branch, and each member of the Legislature, to oppose any proposed alteration, may be exercised so as to make comprehensive and extensive consolidation with amendment next to impossible.

It is, therefore, a matter of the highest importance that measures of this sort, proposed to the Legislature, should have previously been examined with strict scrutiny, and approved by persons or bodies whose opinions are likely to have most weight with the members of the Legislature, in respect of competency, independence, and freedom from party motives or other prejudicing influences.

If, therefore, a very careful preparation of such measures be desirable, in order to insure amendment of expression along with consolidation of enactment, it would seem that the opportunity thus afforded of also suggesting *substantial amendments* in the law should not be lost sight of. And it would be very easy so to arrange the drafts and reports on a proposed measure, that the existing law, the improved expression of it, and the substantial amendments or additions suggested, should be at once discernible by the Legislature for whose approval the ultimate Consolidating Bill should be submitted before its introduction.

Before proceeding to a practical suggestion of the manner in which a system of consolidation with amendment might be carried out, I should like to say a few words upon the question of the improvement of legal language, or the mode of expressing the legislative will.

I have reasons for knowing that there is a crude notion abroad in the colonies, and not uncommon at home, that law might be made more clear and intelligible by using popular language only, and in what is called popular sense.

This, I believe, to be a dangerous error, inasmuch as the "popular" sense of a word is generally the most vague and uncertain, and the language of the law ought to be as definite and precise, and incapable of misinterpretation, as possible; and it is to be noticed that our English language, copious as

* NOTE.—In passing, I would suggest that if such a system should be adopted, it would be unwise to alter the numeration of the sections; but when a new section is substituted for an old one, it should have some mark attached to the number; and when a section is added, it should be as a rider—*e.g.*, "Sec. 2 (*a*)"—in the appropriate place. Practical lawyers will at once understand the force of this suggestion.