

1879.

NEW ZEALAND.

# REPRINT OF STATUTES.

(INTERIM REPORT OF THE COMMISSIONERS).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

To His Excellency Sir HERCULES GEORGE ROBERT ROBINSON, G.C.M.G., Governor of the Colony of New Zealand :

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Commissioners appointed under “The Reprint of Statutes Act, 1878,” for preparing a new edition of the public general Statutes in force in the colony, having made some progress in the work of the Commission, are anxious to present the following interim report for the consideration of your Excellency.

1. At the commencement of our labours we agreed to a memorandum expressing our views as to the nature and extent of the powers conferred, and the duties imposed upon us, by the Statute, and the mode in which it would be desirable that the work should be carried out; and we adopted that memorandum as the basis on which we were to proceed to the practical business of the Commission.

2. In the course of that memorandum, after a full consideration of details, we summed up our duties and powers under three heads—namely: (1) what we *must* do, (2) what we *might* do, and (3) what we *could not* do, within the provisions of the Statute.

We determined (1) that we must reproduce, in such form and order as we might deem best, the whole Statute law of the colony now in force which is not of a temporary or merely local or personal character; (2) that we might and ought to include, either in a separate part or along with the colonial Acts, the most important English Statutes which are clearly applicable to the colony; and that we might and ought to omit merely formal and introductory words, and repealing and repealed enactments. But we considered (3) that we had no power—even when a few words might effect the purpose—to introduce anything tending to correct, explain, or consolidate the matter which it is our duty to include; and, with regard to the question of excluding or including enactments either virtually or impliedly (*i.e.* not expressly) repealed, we determined that we ought not to assume to ourselves the right of deciding as to such repeals, but that it would be desirable to reprint such enactments, attention being called, by reference, to the enactments by which they might seem to us to be impliedly repealed.

3. But while we thought that this general view comprehended all the duties imposed upon us by the Act, we were of opinion that we might be doing good service, if in the course of our labours we made notes of errors, omissions, oversights, and inconsistencies, and of suggestive hints for amendment, consolidation, or repeal; and that such notes, having been duly considered by all the Commissioners, might form the subject of a report which might be of value to the Legislature for the purposes of further amendment and consolidation, if it should not be deemed desirable that they should be printed as annotations to the new edition of the Statutes.

4. Since we adopted the terms of the above-mentioned memorandum as the basis of our operations, our attention has been frequently called to the fact that it seems to be generally supposed, even by members of the Legislature itself, that powers had been given to the Commission to consolidate, and condense, and to correct errors in, the Statutes now in force; and we venture to suggest that, as the work of the Commission has hitherto necessarily made but little progress towards completion, it might be desirable to consider the propriety of granting to it some extension of powers in order to enable it more effectually to promote the ulterior object of consolidation.

5. It appears to us that, with the sanction of the Government, we might be able, with respect to certain kinds of law which present but few difficulties, and concerning the provisions of which there is little likelihood of controversy in the Legislature, to prepare in the course of our labours Consolidation Bills, to be submitted by the Government to the Legislature for adoption before being introduced into the new edition, and thus to anticipate, with a saving of time and money, a portion of the work of general consolidation to which the reprint under the Act of last session can but be a preliminary preparation. And this work we should be able to perform the more easily if the suggestion which we are next about to make should be adopted.

6. According to our reading of the Reprint of Statutes Act, it seems to have been clearly contemplated by the Legislature that the Commissioners should complete their labours of compilation and arrangement before either an estimate of the cost of printing was to be procured, or any portion of the work transmitted to the printer.

It seems to us that the adoption of this course must greatly protract the time for the publication of the work beyond what is necessary; and we would respectfully recommend that your Excellency's advisers should submit to the Legislature an amendment of the Act in this respect, enabling us to cause to be printed from time to time such portion of the edition, comprising the whole of particular subjects, as may appear desirable and convenient.

7. Considering that, in a work like that on which we are engaged, facility of access—as well to non-professional as to professional readers—is, next after accuracy, the most important feature to be kept in view, we have determined that it will be most advantageous to group the Statutes alphabetically, according to their most appropriate headings, and to afford ample cross references, so that an ordinarily intelligent person consulting the Statute Book may have no difficulty in finding what he wants.

8. We are of opinion that a variety of circumstances—among others the probability of repeals, amendments, and substitutions made by the Legislature before the conclusion of the whole work—ought to influence us as to the order in which we should prepare the revised Acts under particular headings; and we hope to be able to make or propose such arrangements, in the course of printing and publishing, as will probably obviate the necessity for rejecting matter already printed, which might turn out to be useless, or require alteration before the labours of the Commission could be closed.

9. After consultation with the Government Printer, we have made an approximate estimate of the cost of the new edition, and the time which it would probably occupy to carry it through the press.

On comparing the relative cost of different forms of volumes, different types, and different paper, we have come to the conclusion of recommending the form, type, and paper used in the recent revised edition of the English Statutes, of which fifteen volumes, bringing the English Statute Law down to the year 1868, have recently been completed; and we are of opinion that the small additional cost of stereotypes would afford much convenience in arrangement, and prevent the necessity of striking off at one time more copies than are then wanted.

10. We have made a rough calculation that we shall have to reproduce the enacting matter still in force of more than seven hundred Imperial and Colonial Statutes; and we have estimated that the whole, with indexes to each volume, may be contained in four volumes of one thousand pages each; and that it would take two years to print them at the Government Printing Office, as the work could be carried on there only while the Assembly is not sitting.

11. With regard to the cost, although it must be very considerable, it is to be remarked that the sale of a moderate number of copies, at a very moderate price, would reimburse a very large proportion of the expenditure.

As nearly as we can calculate, a thousand copies of each volume would cost for printing, paper, and binding, about one thousand pounds, and a second thousand copies very considerably less. Eight or even ten pounds would be a very moderate price to charge as selling-price for the four volumes. The present set of complete Statutes of the colony consists of eighteen volumes, and is sold at twenty-six pounds, unbound.

We shall forward, at an early date, specimens of the form in which we propose that the new edition should be printed.\*

12. We conclude this interim report by an assurance of our anxiety to carry out the intention of the Legislature in the most effective manner, and to make the very onerous and responsible labours which we have undertaken as advantageous as possible to the colony.

ALEXANDER J. JOHNSTON,  
President of the Commission.  
W. S. REID.  
JOHN H. SHAW.

Dated this 5th day of June, 1879.

\* The specimens referred to in this paper are comprised in an Appendix to this Report, and have been laid on the table of the House. The specimens, being particular in colour of paper and size of page, do not admit of being reprinted to accompany this report.