

CORRESPONDENCE.

PROBATE LAW IN NOVA SCOTIA.

To the Editor of the Canada Law Journal.

SIR,—A Bill is now before the Legislature of Nova Scotia to transfer the whole Probate jurisdiction to the County Court Judges, enlarging the powers of the Registrar of Probate in each county as to the transaction of "non-contentious" business, but requiring the Judge of the County Court to hear all "contentious" business at the various terms of his Court. It is not proposed to allow the Judge anything either by way of payment or indemnity for travel, or living expense abroad in connection with this work, but to make the salaries and allowances fixed by Parliament for his other work applicable to it. Is not this in violation of s. 100 of B.N.A. Act? It may be necessary to explain that in Nova Scotia each Judge has a district embracing three counties under his jurisdiction. Even in the county where he resides he has to hold terms alternately in the three towns and some other town or towns in the county. He has no Division Courts, such as exist in Ontario, but a number of district and separate County Courts, in which he tries *de novo* all petty cases appealed from the decision of the magistrates, and, with usual exceptions, all actions of tort up to \$400, and all actions arising out of contracts from \$20 to \$400.

Heretofore there has been a Judge of Probate in each county, paid by fees aggregating from \$400 to \$800 each; and the Government say that the popularity of the proposed measure depends on its abolishing these fees, and making the County Court Judges do the work for nothing. Should not the Minister of Justice advise His Excellency to withhold assent from such a measure, involving, as it must, an actual tax on the salaries of the Judges, and evading the provision by which the Dominion is exempted from paying the Judges of Probate in Nova Scotia and New Brunswick?

JUS.

[We shall refer to this in our next issue.—ED. C.L.J.]