

we question whether the legislature is evading, as our correspondent suggests, the provisions of s. 100 of the B. N. A. Act. That provision seems to infer that if Nova Scotia wants Probate Courts they must pay their judges themselves; and there would seem to be nothing to prevent the legislature of that province from imposing extra work upon such judges, if they think proper. The provincial legislature seems to have full control of the matter, and to be acting within its rights. This, however, does not touch the question as to whether it is acting fairly by the county judges; in fact the contrary would seem to be the case. We have always advocated paying judges a proper salary, and by no stretch of imagination can it be said that many of them are overpaid at the present time. An item of difficulty arises in this matter from the fact that the County Courts in Nova Scotia are ambulatory. Not only does a judge have several counties under his jurisdiction for County Court and speedy trial purposes, but he holds the County Court in other towns besides the shire or county town, so that he would often be detained in outside places trying probate business. It is claimed by some that the Act is an attempt to get the Dominion, instead of the Local Government, by a side wind, to pay the probate judges.

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*MORTGAGEES AND THE STATUTE OF LIMITATIONS.*

I desire to be allowed to refer once again to this subject, which has been already discussed in two articles appearing in this journal on pp. 93, 181. Whilst I am free to admit that Mr. McLaren has, in his paper published in the last issue of this journal, presented a very able argument against the position taken by me in the article to which he refers, yet I may perhaps be excused for saying that he has not quite succeeded in convincing me that I am wrong.

I agree with him that the question really turns on what is the true construction of the statute, and that that question should be governed by the consideration of what is the most just and consistent view to take, having regard to the general policy of the law.