

COPY of a Report of the Minister of Justice, approved by His Excellency the Governor in Council, on the 22nd day of January, 1889, in reply to a despatch from the Government of Quebec, on the subject of the Disallowance of the Act of Quebec relating to "District Magistrates," passed in the Session of 1858.

The undersigned has had referred to him a despatch from His Honour the Lieutenant Governor of the Province of Quebec, dated the 2nd day of October last, transmitting a copy of an Order in Council, passed on that day by His Honour's Government, on the subject of the Disallowance of the Act of the Province of Quebec to amend the law respecting District Magistrates, being chapter 20 of 51-52 Victoria.

The undersigned has the honour to make the following observations on this Order-in-Council:

The disallowed Act recited that "In the Judicial District of Montreal the number of cases in civil matters, before the Superior Court and the Circuit Court" was "so great that notwithstanding the permanence of the sittings of such Courts, the Judges presiding therein" were "unable to hear and determine them all with the despatch that would be suitable to the parties interested," and that "To remedy this state of things, and in the interest of the administration of justice, it had become necessary, so as to permit of the Judges of the Superior Court attending exclusively to the affairs more immediately connected with that Court, to abolish the holding of the Circuit Court in the District of Montreal and to establish there a District Magistrate's Court before which all the cases, proceedings, matters and things" then "within the jurisdiction of such Circuit Court" might "be brought."

After these recitals the disallowed Act made the following, among other provisions:—

- (1.) That the Lieutenant Governor in Council might, "by proclamation, abolish the Circuit Court sitting in the District of Montreal and establish in the City of Montreal, for the said District, a special court of record under the name of 'District Magistrate's Court of Montreal,'"
- (2.) That such court should "be composed of two Justices, called 'District Magistrates of Montreal,'" who should be "advocates of ten years' practice, be chosen from among the members of the Bar of the Province, and be appointed under the Great Seal by the Lieutenant Governor in Council."
- (3.) That no property qualification should be necessary to the Magistrates, but that they should be ineligible to be Senators or members of the House of Commons, Executive Council, Legislative Council or Legislative Assembly of the Province, or for "any other office under the Crown."