

## PROPOSED LEGISLATION IN NOVA SCOTIA.

prosecutions during the term; who shall take all proceedings for the trial of all offences in the county, and over which the County Court shall have jurisdiction: prepare indictments and prosecute; and take proceedings for compelling attendance of witnesses, &c.

11. The Clerk of the County Court shall perform all the duties connected with offences cognizable by the County Courts heretofore performed by the Clerk of the Crown, including the necessary proceedings to carry out any sentence imposed by the County Court; the binding over all witnesses in any cause, &c.

12. It shall be lawful for the presiding Judge at any County Court to tax and allow to the Queen's Counsel or attorney, for his services, reasonable costs and fees, as the Judge shall deem adequate, for the services actually performed on such prosecution; but the costs taken shall not exceed for any one prosecution the sum of six dollars for each criminal appeal, and twenty dollars for all writings, papers and counsel fees on each criminal trial; and to tax and allow to the Clerk of the County Court, for his services in each criminal appeal, a sum not exceeding two dollars, and on each criminal trial a sum not exceeding four dollars.

The above Bills seem to be well drawn, and that concerning criminal jurisdiction contains suggestions which it might not be amiss for us to profit by on some future occasion. The idea of giving a limited criminal jurisdiction to County Courts seems to us a good one, our plan being in some respects a clumsy one. The first section is an improvement on our law, which leaves many points of jurisdiction open as questions of construction. The clause before us is brief, comprehensive, and complete, as regards the higher crimes: we doubt, however, the propriety of giving to these courts exclusive jurisdiction in all cases of misdemeanor. We would, moreover, suggest a careful review of the bill to see if any of its provisions are not beyond the jurisdiction of a Local Legislature. The second to the eleventh sections, excepting perhaps the fifth, seem to be unconstitutional and beyond the power of the Local Legislature. They relate either to criminal procedure or criminal law, both which classes of subjects are by the British North America Act expressly reserved for Dominion Legislation. The principle of the bill to establish the County Courts as Criminal Courts is good, and whatever provision is necessary to accomplish this may be passed by the Local Legislature; but the alternation of a substan-

tive provision of law relating to criminal matters is clearly beyond the power of the Provincial Parliament.

It would appear that it is proposed to retain the Quarter Sessions in one county. The system should be uniform throughout the Province, unless, indeed, there are local reasons to the contrary of which we know nothing, and cannot see the force. Sections 7 and 8 refer to procedure only, and should be embodied, we think, in a general code of rules, which must also contain various other regulations to prevent uncertainty, and provide for uniformity in all the courts.

Clause 9 would make a change, the merits of which have often been discussed, and more especially with reference to civil causes. Possibly a general provision to this effect, applicable to the whole Dominion, would be desirable, and, at present, we feel rather inclined to favour such a change, but every effort should be made to assimilate our laws, and induce uniformity in all the Provinces of the Dominion.

As to the County Courts Act, some of the clauses seem too general, and those that do go into details are not sufficiently exhaustive, but it would be impossible within our limits to discuss them more at length; doubtless many of these provisions will be added to, and others made, when the bill comes before a committee of the House, and many of them will occur to the framer of the bill before that time. A careful perusal of some of our recent statutes might be found useful in this connection. The ninth clause of this Act is a more definite provision than in our County or Division Court Acts. We strongly recommend our friends not to encumber their lands with the provision for registering judgments (Sec. 22). It will be found much better to make suitable machinery for a speedy seizure and sale of the property by the sheriff under an execution. We had the same process here and had to do away with it.

But it is, perhaps, unfair to criticise further without a more perfect knowledge of what provisions the other statutes of Nova Scotia may make in the premises. We shall, therefore, conclude our brief notice by again complimenting the framer of these proposed acts upon many excellent suggestions, and an evident desire to promote the due administration of justice in his Province.