

NOVA SCOTIA.

59TH VICTORIA, 1896.

2ND SESSION—31ST GENERAL ASSEMBLY.

Report of the Honourable the Minister of Justice, approved by His Excellency the Governor General in Council, on the 19th November, 1896.

DEPARTMENT OF JUSTICE, OTTAWA, 30th September, 1896.

To His Excellency the Governor General in Council :

The undersigned has the honour to submit his Report on Chapter 17 of the Statutes of the Province of Nova Scotia, passed in the fifty-ninth year of Her Majesty's reign (1896), assented to on the 15th February, 1896, and received by the Secretary of State for Canada on 8th June, 1896, intitled:—

"An Act to amend Chapter 104, Revised Statutes, entitled 'The Judicature Act, 1894.'"

Section 2 of the Act is as follows:—

"Subsection 2 of Section 2 of Chapter 104, Revised Statutes, 5th Series, is hereby amended by inserting the words 'before the Court *in banco* at Halifax' next after the words 'as such' in the fourth line; also by inserting the word 'next' between the words 'years' and 'before' in the fourth line, and by inserting the words 'as Attorney General or' next after the word 'office' in the last line."

Subsection 2 of Section 2 of Chapter 104, Revised Statutes, Nova Scotia, 5th Series, as it stood previously to this amendment, is as follows:—

"No person shall be appointed a Judge of the Supreme Court unless he shall have been a resident barrister of the Province for 10 years, and shall have been practising as such for five years before such appointment, or shall have held office as a County Judge in the Province."

The effect of the amendment, therefore, is, so far as it is within Provincial competency, to further limit the class from which judges of the Supreme Court may be selected to those barristers of the Province who have been resident barristers in the Province for 10 years, and who have been practising as such before the Court *in banco* at Halifax for five years next before appointment, or have held office as Attorney General or County Court Judge in the Province.

The undersigned observes that at the time of Confederation there was a Statute in operation in the Province of Nova Scotia by which it was provided