

"The General Government shall pay the Superior, District and County Courts in each Province."

The Provincial Secretary reads that to mean District Courts and County Courts are to be created, but I read it as Courts then existing; therefore, as we had no County Courts in New Brunswick, no power was given to establish them. When we entered into this contract Canada agreed to give us \$80,000 a year beyond Nova Scotia. Suppose we established County Courts here and called upon Canada to pay the Judges' salaries—amounting to \$6,000, or upwards,—they might say to us, We agreed to give you an additional bonus under existing circumstances, but as you have largely increased the amount we expected to pay you by appointing additional Judges, you will have to provide for their salaries yourselves. If the General Legislature consider it is for the interest of the whole people that County Courts be established it is in their power to establish them by law, and then they will pay them. If I was afraid that the General Government of Canada would seek to do injustice to the Province, I would never have consented to have gone into Confederation. I always felt that the safety of the Province did not depend so much upon the number of the representatives as upon having a party Government. No Government could exist in Canada that sought to do injustice to any portion of the empire. There will always be a healthy opposition, and if the Government attempt to do injustice to any of the Provinces there will be a combination in that locality, and they will throw their power into the Opposition, which will cause the overthrow of the Government.

My hon. friend from Charlotte (Mr. Chandler) said he would rather submit a case to a Judge than to a Jury. I do not hold any such doctrine. You cannot tell me of the country that lost its trial by Jury that did not lose its liberty too, for trial by Jury is the great safeguard of the country. I think if the country requires these Courts any additional trifling expense should not be considered. I am strongly in favor of them, but I cannot vote for the Bill for the reasons which I have stated.

Mr. LINDSAY.—My hon. friend says we have a right to do a thing and we have not a right to do it.

Mr. JOHNSON.—I said we had the power, and not the right. You have the power to knock a man on the head, but you have not the right to do it.

Mr. LINDSAY.—It has been a question with me whether we had the right. Two powers cannot both have the right to establish these Courts. The General Government cannot have the right and the Local Government the right at the

same time. It has been stated that there was an understanding that we were to appoint them, but that is poor law if there is no writing to show it. If these Courts are established it will be a fine harvest for the lawyers; there will be five additional Judges appointed for these Courts, and then there is talk of another Judge for the Supreme Court. This will make eleven Judges in all. Then there are five clerks to be appointed, and they must be lawyers too. The Imperial Act of Union states that the salaries of the Judges shall be fixed and paid by the Parliament of Canada. Here we see the General Government has the power, and still the Local Legislature retains it.

Hon. Mr. TILLEY.—So we do until the Union takes place.

Mr. LINDSAY.—That is to say certain parties can do certain things and subordinate parties can do the same thing. We find it stated in the Act that the Parliament of Canada may provide for the establishment of any additional Courts for the better administration of the laws of Canada. Then if we have not the authority to appoint these Judges, and the Parliament of Canada will not pass an Act to constitute these Courts, we will have to pay them ourselves. Each Judge will be a Judge of three Counties, and a person would have to go a long distance to make an affidavit before him, and then have to wait for the sitting of the Court before he could collect a debt. Then there is in this Bill about a page and a half of fees to be paid. I do not know whether they will increase the expense of the suit or not, but I know that it is very desirable both for the plaintiff and defendant that there should be some means of collecting debts without incurring such a large expense. I have always been in favor of increasing the jurisdiction of Magistrates up to £10, in order that less expense may be incurred in collecting these small debts. After these County Courts are established the General Sessions will still be in existence, and a Grand Jury will have to be called and a large number of Jurymen for these other Courts, and this will increase the expense for the country. I think these Courts will be just a harvest for the lawyers, but when you come to go in opposition to them it is just like getting into a hornet's nest. I believe about lawyers as I believe about doctors—that the less you have to do with them the better you are off. They might be useful in their place, but I would keep them at a respectful distance. I do not believe in these law shops; some men want to be appointed to be Justices just to make a living out of it. If you can get the facts of a case out before four honest men you will get more justice done than you will at any of the Courts, for these lawyers argue for the

purpose of mystifying the Jury and each side tries to make wrong appear right. They only confuse the minds of the Jury. Instead of helping them to come to a right decision. There is nothing in this Bill to show where the jurisdiction of this Court commences or where the jurisdiction of the Magistrates leaves off. It is stated that its jurisdiction shall extend to \$200, but there should be some provision made that it should have no jurisdiction over sums below a certain amount.

Mr. HIBBARD.—I see a delicacy on the part of the lawyers in taking any part in this debate; probably they feel they might be prejudiced in the expressions made use of. I am greatly surprised that our Delegates, after remaining nine months in England, should come out here and differ in regard to what is implied in this Act. It seems to me if that difference of opinion had existed before they left England, they would have had it reconciled. I ask, have we the legal right to abstain in this matter? The ex-Attorney General says no; the Attorney General says yes; therefore, I conclude, it is a mere matter of opinion, and I have a right to express my opinion as well as these gentlemen. I have read that Bill carefully, and I think we have a perfect right to establish these Courts and appoint these Judges. I am glad to see my hon. friend from Westmorland (Mr. Smith) opposing the Bill, for there are many weak points in it, and as a lawyer, feeling as he does the great necessity, if it should be forced upon us, of having it as perfect as possible, he will do all he can to point out its defects and have it improved. If we do adopt these Courts I do not believe the General Government will interfere with us, unless we act indiscreetly in the number of Judges we appoint. The question which we have to consider is, Does the country require these extra Courts? I think it does. In the County of Charlotte we have a Court but once in twelve months, and a man having a debt due him of \$50 might as well lose it as to attempt to recover it in the way we now have to recover debts. There may be some doubts about the necessity for five Judges, or some difference of opinion about the number of Courts held in the different Counties during the year. I think after we provide the machinery of these Courts and are satisfied that they will meet all the demands of justice, if the staff of Judges is too large the General Government will reduce it. We are to pay our proportion of the Judges of Canada, as well as our proportion of our own, therefore we have a right to enter this Union with as many Judges as our wants require. I cannot agree with my hon. friend from Westmorland (Mr. Smith) that there will be a great deal of extra expense in Juries, for I think there will be very little more