

the Judges, but whether the Government

has the power to appoint them. I doubt whether we have this power. I think it would be very inconsistent for us, according to the reading of this law, to make appointments to the Court of Common Pleas, because that comes under the General Government. The Court of Common Pleas may be considered a County Court, and the Judges of that Court require to be paid by the Federal Government, therefore I think it would not be right for us to appoint them. It would be better, instead of passing this Bill, to make some change in the Court of Common Pleas and alter the practice in the Supreme Court. I would suggest if you want to cheapen litigation, to increase the summary practice in the Court of Common Pleas, and in the Supreme Court, to £50. I find the fees are more under this Bill than they are in a summary suit. In a summary suit the costs, exclusive of the execution, would be \$7.20; but under this Bill I think a summary suit would be \$8.00, this includes the cost of the execution, which is \$1, thus the cost under this Bill will be 40 cents more than the costs under summary suits are now. These County Courts are to have jurisdiction on all debts up to \$300, but there is no limit the other way; no provision which says that when an action is brought for an amount below \$20 the parties shall not be entitled to costs. Under this Bill a man could bring an action for one dollar, and according to the process prescribed here, the costs on that would be \$5.23. I do not think this is very desirable, unless you wish to increase the expense of litigation and add to the costs of suits. In regard to the Criminal jurisdiction we will have each one of us to act according to his own judgment. We know the Counties of York, Carleton and Sunbury have Municipal Corporations, and the Court of General Sessions of the Peace exercise certain functions in those Counties in regard to its local affairs. Certain duties are imposed upon the Grand Jurors in regard to fiscal affairs. These fiscal affairs must be submitted to the Grand Jury, because they cannot make an assessment upon the County unless the Grand Jury recommend it to the Court of Common Pleas. The General Sessions have a certain jurisdiction over certain descriptions of crime, such as larceny, misdemeanor, &c., and the whole machinery of the Court is complete, and both these Courts sit at the same time, and the same Jury answers the purpose of both of these Courts. They have a Grand Jury and a Petit Jury, and if a Bill is found against a man for larceny instead of his being confined in Jail, perhaps for three months, waiting for the sitting of the County Court, he can be brought to trial at once, for a Bill has been found, and the witnesses are there, and they have all the machinery necessary to give him a trial.

It may be urged that the Judges of these County Courts will be paid by the General Government. We will have to contribute our part in paying our share of the salaries of the Judges of the whole Dominion, including these County Court Judges. If the interests of the people would be subserved by establishing these Courts, it is very desirable to appoint them, but I think differently. If you want to cheapen litigation we can prepare a Bill to extend the summary practice of the Supreme and Inferior Courts to \$300. The Inferior Court of Common Pleas cannot grant a new trial, but the party may appeal to the Supreme Court in each County. I would suggest that the Judge appointed to preside over the Court of Common Pleas should be a legal man, and I would leave the jurisdiction of the Court as it is, for it is well defined and understood. The salary of the Judges could be fixed at from \$400 to \$800, and these salaries would be paid by the General Government. You would then have an efficient man to preside over the Court of Common Pleas, and he could at the same time be Judge of the General Sessions. I would give the Court of Common Pleas the power of granting a new trial, I would give an appeal to the Supreme Court, I would make the judgment binding upon all in the Supreme Court, and I would let lands be levied upon under an execution *prima facie*. These are all the changes you need to enable you to have a convenient and cheap Court. You would then have a Court in every County, and a Judge residing either in the County or the adjoining County, instead of having a Judge floating about over three Counties. There is no provision made for the Judge to reside in a particular place; therefore, if he holds three or four Courts in different Counties there would be a great difficulty in finding him when you wanted to get a summons. I will call the attention of the House to another provision in the Bill which will be very inconvenient:

"When any tenant shall, after the expiration of his tenancy, or on due notice to quit, refuse to deliver up possession to the landlord, such landlord may apply to the Judge of any County Court where the premises are situate, and having made oath before him that such tenant has held and occupied the premises designated in the affidavit for a certain period then expired, and that due notice to quit, when necessary, has been given, such Judge shall, upon good cause shewn, issue a summons, giving at least six days notice, to be served with a copy of the affidavit on the tenant, or by leaving the same with some adult person of the household on the premises to shew cause why he holds over."

This power is now given to two magistrates, and I think no practical inconvenience has arisen from this jurisdiction being exercised by these Magistrates. The Magistrates are living near by, and you can approach them at any

time, whereas the Judge of this Court will be racing about from County to County, and you will not know where to find him. This will cause a great delay, for the affidavit has to be sworn to before the Judge of the County Court. I think it would take all the lawyers throughout the country to find a more convenient way of ejecting a man from a premises than we have now. You can now, by going before two Magistrates eject a man from a premises in the course of a week, and if the tenant feels that injustice has been done him, he can appeal to the Supreme Court, therefore, I say, so far as that is concerned, the alteration proposed here, instead of being a benefit, will be a great evil.

Another section of the Bill says:

"If the Judge shall be satisfied, by either party, in a cause in his Court, that such cause can be more conveniently or fairly tried in some other County Court, he shall order that the venue be changed, and that the cause be sent for hearing to such other County Court; and the Clerk of the Court shall forthwith transmit, by post, to the Clerk of the Court to which the cause is sent, a certified copy of all papers and proceedings in the cause on file in his office, and a certified copy of the order for changing the venue, which cause shall be dealt with in such Court as if originally brought therein."

In a trial before this County Court the Judge may charge the Jury according to his idea, and the Jury, influenced by his charge, may bring in a verdict against the evidence; the aggrieved party will then have to apply for a change of venue to the Judge who decided against him, and he in ordering the venue to be changed will have to decide against his own opinion. There is the power provided to grant a new trial if he appeals to the Supreme Court:

"In case any party in a cause in any of the said Courts is dissatisfied with the decision of the Judge upon any point of law, or with the charge to the Jury, or with the decision upon motion for a non suit or new trial, or in arrest of judgment, or for judgment *non obstante veredicto*, he may appeal to the Supreme Court, and the Judge, at the request of such party, his Counsel or Attorney, shall stay the proceedings for a time not exceeding twenty days, when, if the party wishing to appeal, give a bond, with sureties to the satisfaction of the Judge, conditioned for the payment of all the costs of the appeal awarded by the said Supreme Court, if the judgment or decision of the Judge be affirmed, then, at the request of the party appellant, the Judge shall certify under his hand to the Supreme Court, the pleadings in the cause, and all motions, rules or orders, made, granted or refused therein, with his own charge, judgment or decision thereon."