

causing much delay and expense, over a matter that is not worth talking about. By the introduction of these Courts, especially if the Government had determined to go on with the second Bill, the difficulties and anxieties caused by these petty trials, as well as the delay and expense, would be very much curtailed, and prove a great means of reducing litigation. It has been objected that County Courts will be attended with a great deal of expense, but if we give £500 to each of the five Judges, and allow them £50 or so extra for travelling expenses, it would only amount to some £2800; and although the hon. member for Westmorland thinks that the Jury fees would be very much increased, I believe he will find that the great expense now incurred by delay would be more than counterbalanced by the speedy manner in which justice could be obtained. The reduction in costs on cases between £20 and £50 would save to the people of this country more than the whole expense of holding the Courts. When it was proposed to have five Judges I thought the Government contemplated introducing the District Courts Bill as well, but since this is not to be the case, I don't see how five Judges are going to be occupied the whole time, as they will not hold more than four Courts in the year, and it cannot be expected that each Court will sit more than two or three weeks. I think that now we shall have either to reduce the number or increase their jurisdiction, for there will not be enough business for them to do, and the litigation of the country is lessening every year. In Upper Canada they have eleven Judges of County Courts, with a very large population; in Lower Canada, with a different style of Judicature, they have only twenty Judges altogether; in Nova Scotia they have six, and we have five Judges of Superior Courts. If we now add five other Judges of County Courts, at a large salary, our expenses will exceed in proportion those of Upper Canada; and although I think there is great necessity for a change, yet I do not see how we shall be able to manage, unless we reduce the number or extend their power. The salaries proposed will be too large for the amount of labor they will be required to perform, and I think we should reduce them to three, so as not to encumber the funds of the country with a larger amount than they will bear. If the whole matter had been covered with regard to the Magistrates Courts, I should have given this Bill my full and hearty support, believing, as I do, that it would prove a great benefit to the country, but as it is I do not think this Bill will affect the greatest evil which exists, and I have great doubts about establishing all these Courts without just knowing what the requirements of the country are. Indeed the General Government may dis-

allow the appointments after we make them, and we should, therefore, be very careful how we proceed.

Mr. CAIE.—I am not a lawyer, and as I observe that some of our most eminent lawyers, statesmen and delegates differ upon this matter, I shall not offer any opinion as to whether we have power or not to legislate under the Imperial Act; but I must say that I entirely coincide with the remark of the hon. member for Northumberland, (Mr. Johnson) himself one of the delegates, that if we have a doubt on the matter we should pause before we act. But that hon. member goes on and says that undoubtedly power is left with the House to legislate upon this subject, but that we have not the right to do so. I confess, Mr. Chairman, that I do not see the difference which the hon. member tries to make. I think that the right gives the power. It is true that the House has the power to say to a petitioner who had a most righteous claim against the Government or House, "We will not pay you," and the man has no redress; he must be quiet, for he can't sue and recover as in any other case. But because the House has that power, is it right they should therefore cheat a man of his just due? Certainly not; the power confers no right, it is the right which gives the power. I think that a change is very much needed in respect to our Magistrates' Courts, but I think it should be brought about, if possible, without increasing the costs of litigation. I think that if three persons in each Parish were appointed to hold a Court, once a week, or once a fortnight, or once a month, as might be found most requisite, with power to adjudicate on amounts up to £50, it would do away with many of the cases which now come before the Court of Sessions, and very much lessen the amount of litigation. I think that the measure now before the House will prove very cumbersome, and be a great expense to the country, which might be saved by adopting a plan such as I have mentioned, and I shall, therefore, not give it my support.

Mr. BABBIT.—Whatever may be the differences of opinion existing between lawyers and statesmen on this question we have, after all, individually to make up our minds and decide for ourselves. I think we have the right to legislate upon any subject which comes under our consideration. To me this is a mere matter of propriety. The question is whether, now and after we go into Union, the requirements of the country demands the establishment of these County Courts or not. I am satisfied that a change is needed, but what should it be? And how can it be effected?

The time now occupied in collecting a claim through the Supreme Court is too long, and justly causes much complaint, and, if, by the establishment of these Courts, we can get justice brought nearer home, and obtain it at a cheaper rate, it will be just what is required. I feel satisfied that this effect will be produced, and therefore I shall support the Bill. So much for the principle; the details laid down in the Bill I may not so readily agree with, but they can be argued and arranged as the debate goes on. I think the measure will meet with the appreciation of the country, if the Government don't foist too many Judges upon us, and make the machinery too heavy and cumbersome. I differ with a good many hon. members as to the Magistrates, for although some of them may not be possessed of very high legal attainments, yet many of them are men of good abilities, and from their knowledge of facts, with regard to cases which come before them, are able to administer justice speedily and cheaply. Instead of taking away any of the jurisdiction which they now have I would give them more.

Mr. JOHNSON.—You would have to give them more brains first.

Mr. BABBIT.—I think that so far as small debts are concerned it is a most simple method of gaining cheap justice. As to complaints of delay in certain cases, the same will apply to the Supreme Court in a much larger degree, and I think that if the powers of Magistrates were increased it would prove a great benefit to the country. Most of them have now a days a Jury of three to try the causes which come before them, and the people find that it is a good way, enabling them to obtain justice at their own homes, and at a cheap rate. As to the present Bill I am in favor of the principle, although I think that a satisfactory change may be made in the details as we go along.

The Committee then divided on the question of reading the Bill section by section, when there appeared—

YEAS:

Hon. Mr. Fisher,  
Hon. Mr. Williston,  
Hon. Mr. Tilley,  
Hon. Mr. Connell,  
Hon. Mr. McMillan,  
Hon. Mr. Wilmot,  
Hon. Mr. McAdam,  
His Honor the Speaker,  
Mr. Lewis,  
Mr. Kerr,  
Mr. Stevens,  
Mr. Sutton,  
Mr. Beveridge,  
Mr. Skoner,  
Mr. Hebert,  
Mr. Chandler,  
Mr. McBratney,  
Mr. Quinton,