

If we pass this Bill I think it will be disallowed, for the spirit of the Imperial Act is that you cannot recast your judicial institutions. I say many provisions of this law are in force now. I would like to ask whether the fiscal laws can be changed?

Hon. Mr. TILLEY.—Yes, they can.

Mr. SMITH.—I think you had better change them if you have the power. I think we have not the power, but the Secretary seems to speak *ex cathedra* in regard to the law, while the Attorney General does not. I should rather have the opinion of the Attorney General upon the subject.

Hon. Mr. FISHER.—I think we have the power to change them.

Mr. SMITH.—They did not pass any law in Nova Scotia upon the subject, and I do not believe we have the power to do so, because I believe a portion of the Imperial Act is in force. When the Secretary speaks of men being willing to lose sums of £20 rather than bring an action in the Supreme Court, does he not know they can bring an action in the summary process in the Supreme Court at a less cost than would have to be paid under this Bill? I believe it would be more economical, and the wants of the country would be much better satisfied, if we adopted my suggestion and increased the summary practice to £40 and combined the civil and criminal jurisdiction together.

Progress was then reported upon the Bill and leave asked to sit again.

Hon. Mr. TILLEY, by command of His Excellency the Administrator of the Government, laid before the House despatches relating to Church patronage.

Mr. STEVENS brought in a Bill relating to paving streets and sidewalks in the Town of St. Stephen.

On motion the House adjourned until to-morrow at 9 o'clock.

T. F. D.

FRIDAY, MAY 31.

#### SECOND READINGS.

The following Bills were read a second time:

A Bill to provide for the more effectual repairing of the Streets, Sidewalks and Bridges of Saint Stephen.

Certain amendments made by the Legislative Council to the Bill to Incorporate the Albert Bank.

#### THIRD READINGS.

The following Bills were read a third time:

A Bill relating to Paved Sidewalks in the City of Saint John.

A Bill to authorize an assessment in

the City of Saint John for the purposes of an Agricultural exhibition therein.

A Bill to amend the Act to provide for the erection of a City Hall in the City of Saint John.

#### REPORT AND BILL.

Mr. BECKWITH, from the Road Committee, reported that they had prepared a Bill relating to Highways, which they now begged to introduce.

The Bill was received, and read a first and second time.

#### RESOLUTION FOR ADDRESS.

Mr. WEIMORE, according to a notice which he gave on Monday, moved an Address to His Excellency the Administrator of the Government, praying that all papers connected with the claim of Thomas King, a Railway Contractor, against the Government, might be laid before the House.

Messrs. Weimore, Quinton and DesBrisay, were appointed a Committee to wait upon His Excellency with the Address.

#### BILL.

Hon. Mr. McADAM moved for leave to bring in a Bill to authorize the erection of a Sorting Boom on Eel River in the Counties of York and Carleton.

Leave was granted and the Bill read a first and second time.

#### COUNTRY MARKET, ST. JOHN.

Mr. QUINTON moved the House into Committee on a Bill to authorize the City Corporation of Saint John to purchase lands to the northward of the Country Market in the said City of Saint John.

Mr. LEWIS in the Chair.

The Bill was agreed to without debate.

#### COUNTY COURTS.

Hon. Mr. FISHER moved the House into Committee on the further consideration of a Bill to establish County Courts.

Mr. BOTSFORD in the Chair.

Mr. McQUEEN.—Whilst I have been listening to the debate the question has occurred to me whether we have really the power to legislate on this matter. The Provincial Secretary and Attorney General distinctly state that we have; the delegate member for Northumberland says we have the legal power, but not the moral power; that it would be a breach of faith with Canada to create these Courts, as it was not contemplated in the Act of Union. When these learned men differ it is hard to know what to think. There are some things in the Bill that commend themselves to my mind. It is said that the establishment of these Courts will have the effect of giving us cheap law and speedy justice, and if this is the case it would be a great benefit;

but it has been said by my colleague (Mr. Smith) that the process of law will not be any cheaper under this Bill than it is now, in the Court of Common Pleas, and if the argument he used in support of his position is correct, I do not see any benefit that can be derived from the passing of this Bill. If the Court of Common Pleas was presided over by a man of legal attainments, I think the standard of the Court would be raised, and a great many more cases be tried by it than at present.

I think, too, that if the jurisdiction of these Courts was increased so as to bring in cases up to \$200, it would be found a great benefit, and if to this were added a clause to bind real estate, then we should have what is required. In our County we have now four Courts every year, two sittings of the Supreme Court and two of Common Pleas; the number of Jurymen employed to try cases in these Courts in all is eighty-four, forty-two of each, and if we now go to work and establish a County Court besides, forty more will be added, thus increasing the number to one hundred and twenty-four; and for these additional Jurymen, taking the mileage and Jury charges into consideration, we should have to pay \$3,000 more than we pay now, which would be a great increase of the expense. I do not think the establishment of these Courts, under the circumstances, will commend itself to the mind of the country. It is true, as has been stated, that these Courts have been found to work well in Canada, and that is greatly in its favor, but it seems strange to me that if we have the power to legislate in the matter now, the people of Nova Scotia did not adopt it at the last meeting of the Legislature. The Bill does not commend itself as favorably to my mind as it does to some others, and I shall vote against it, although I suppose it will pass.

Mr. KERR.—This is a question of very considerable importance, and one that has occupied my attention a good deal, and I supposed this Bill would be supplemented by another, which would do away with the Magistrates' Courts all over the country. Having this impression, when I heard that County Courts were to be established here, the matter commended itself to my mind at once. The idea that because they have them in Canada, and that for the sake of uniformity we should have them here, and that their introduction at this time will give us a chance to share in the expenditures which will be made for this purpose, to my mind bears very little weight. The question is, are they needed? And if so, how can they best be established to accomplish the object desired? We all know that at present the great number of Magistrates' Courts held all over the country is a great source of litigation, and that a man who has a claim against another of a very trifling amount, can send here and there to bring his witnesses,