

question should be well looked into. If we are to give up our Stock to Canada, it would, of course, be better to give a bonus of \$3,500 more to the Railway. I think, however, it will be found that my construction of the Act in this particular is correct, and that its application is to property we had at the time the Act was passed.

Hon. Mr. TILLEY.—If the construction put upon the Act by the hon. member for Westmorland is correct, it would enable New Brunswick and Nova Scotia to take stock in anything, and make the General Government responsible for it; thus, though it might amount to \$14,000,000, and the value be in reality only \$7,000,000, yet they would have to pay the full amount. If his construction is right, it would of course be the easiest way to do it, but I am afraid that is neither the intention nor the construction of the law. I know in the Conference we told them that we had Railways which should go in; Canada said they had no Railways, but they had \$16,000,000 stock in the Grand Trunk and it was not expected that that should come in with their debts. So with regard to the stock which we hold in the Saint Andrews and Quebec Railway; that becomes the property of the Government, because that was taken before the Act, but I do not think we could now take more stock and expect them to become responsible for it. This power, I think, is not conferred upon us by the Act.

Mr. SMITH.—I should like to know, then, how we can legislate on the County Courts? There is a Bill now before the House which contemplates the expenditure of large salaries for Judges, which is not provided for in the Act of Union. Sections 96, 97 and 100 say:

"96. The Governor General shall appoint the Judges of the Superior, District and County Courts, in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick."

"97. Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia and New Brunswick, and the procedure of the Courts in those Provinces are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces."

"100. The Salaries, Allowances and Pensions of the Judges of the Superior, District and County Courts, (except the Courts of Probate of Nova Scotia and New Brunswick), and of the Admiralty Courts, in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada."

I would ask why the exception is made of the Courts of Probate, if it is not to show that we have power over these and no others? I would also ask if it is competent to make a Judge of Probate

a Judge of a County Court? I think not.—I do not believe we have the power to do anything of the kind. I am aware that section 92, clause 14, gives to the Local Legislature—

"The administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of Civil and Criminal Jurisdiction, and including procedure in Civil matters in those Courts."

But, still, we cannot pass an Act here to appoint Judges to the County Courts because the Act of Union gives that power into the hands of the General Government, both of Courts and Judges. And if we can create County Courts, why, I would ask, cannot we go on and create District Courts, too? That power, it seems to be conceded, is denied to us.

Hon. Mr. TILLEY.—The exception was made of Courts of Probate because it was distinctly understood, and it is embodied in the Act, that no person appointed to those Courts could be paid out of the central funds. But suppose we chose to increase the number of Supreme Judges to seven, they would all have to be paid out of the general fund; and, whether these Courts are established here now or not, the Act concedes to us the power to create the new Courts. There is no trouble at all about the spirit and sentiment of what was intended, nor I think about the law itself.

Hon. Mr. WILMOT.—I do not think the salaries we may fix will be binding upon the General Government, but so far as the creating of these Courts and the appointing of Judges is concerned, I think there is no doubt but that we have the power. I have long felt the necessity of such Courts here, as have long been established in England and in Western Canada, and I know it was distinctly talked about and settled by the Conference. I think also that we have a perfect power to take additional stock in Railways or to give a bonus right out, as we see fit, but I think that to do it after the passage of that Act, and thus increase our liability, would be to practice a fraud upon the General Government.

Mr. SMITH.—Then there is prosecution for crime, that pertains, I see, to the New Dominion, as I understand it; and I would ask the Attorney General if the criminal jurisprudence of the country belongs to the General or Local Government?

Hon. Mr. FISHER.—I shall not take up the time in answering these matters to-day, but when the County Courts Bill comes up, I will go into the whole question.

Mr. BABBIT.—I would ask who we are to get information from if not from

the Government? If the Attorney General is the proper authority to give information on these questions, I think he certainly ought to do it. If it is not his duty, then we ought to look to some one else who can enlighten us on these important matters, for at present we seem to be legislating in the dark.

Mr. KERR.—This discussion has been very profitable, embracing as it does the very business for which we came here, and I think we ought to have another sitting.

Mr. SMITH.—I should certainly very much like to have some of my questions answered. I have tried almost everything to gain information, but as yet I have been unsuccessful.

Mr. WETMORE.—I can sympathize with my hon. friend, for I well remember how I was kept in the dark on very important matters on one occasion, although I asked questions for a period of forty days.

Mr. YOUNG.—I move, Mr. Chairman, that you leave the Chair, report progress, and ask leave to sit again.

Mr. SPEAKER called the attention of the Committee to the fact that during the whole debate, which had taken a wide range, there had been nothing before the Chair, in the shape of motion, or resolution, and that according to the rules laid down they could not report progress without having something to make progress in. He hoped in future that some resolution would be placed distinctly before the Committee, so that the rules of debate might not be infringed.

The SPEAKER having resumed his seat, Mr. Stevens reported that the Committee of the Whole House having had under their consideration the Report of the Auditor General, begged to report that they had made progress therein, and asked for leave to sit again.

PETITIONS, BILLS, ETC.

Mr. WETMORE presented the Petition of Thomas King, of the City of St. John, Railway Contractor, praying for an investigation of his claim against the Government.

The Petition was received and laid on the table.

Mr. SKINNER moved for leave to bring in a Bill in further amendment of the Act relating to the management of the General Public Hospital in the City of Saint John.

Leave was granted and the Bill read a first time.

Mr. KERR asked the Chief Commissioner of the Board of Works to lay before the House the Petition of William O'Brien relating to a Bridge.

Hon. Mr. McCLEJAN said he would do so to-morrow morning.

Mr. SKINNER moved for leave to