

thing, holding three Courts in the year, as in the present case, and over a far larger circuit than is contemplated by this Bill that the County Court Judges shall do; but I apprehend that in vacation they will always be found easily enough, and this is all that is required for all practical purposes.

Mr. SMITH.—The hon. member does not seem quite to understand me. He says the Judges of the Supreme Court are always moving about; but there is always a resident Judge either in Fredericton or Saint John, and we can send to our agent in these places and get what we want at any time. But with these Judges it will not be so, they will be holding a Court here to-day and somewhere else to-morrow, and so may not be available just when they are wanted. As to being able to get at them in vacation, the hon. member knows that that would be the last occasion on which they would be required; it is in times when prompt and swift measures have to be taken that the difficulty would be experienced.

Mr. JOHNSON.—It strikes me that the greatest difficulty is with regard to the appointment of clerks, and believing, as I do, that the Clerks of the Peace will be able to attend to the duties, with a sincere desire to improve the Bill, I shall move the following amendment:—"Strike out all the words after 'good behaviour', and insert the following:

"And the Clerks for each Court shall be the Clerks of the Peace for the respective Counties; and shall not be allowed to practice in the Court of which he is such Clerk."

Hon. Mr. FISHER.—I sincerely hope the hon. member will not press that amendment, for if the Clerks of the Peace are found to be the best parties to fill the office of Clerks to the County Courts, the Government may appoint them. There may or may not be cases where it may be found it would not be best to do so, but leave it with the Government to do this or not as may be found requisite. In some cases the Clerk of the Peace may not want it, and then he would be compelled to give up his present office. I hope the hon. member will withdraw his amendment, for even if the principle may be the very best that can be proposed, by leaving it open the Government are at liberty to adopt it.

Mr. WETMORE.—I do not think this is the right place for this amendment to come in; it would, I think, be better to let it follow section five.

Mr. STEVENS.—I think there is reason in the amendment, for the Courts of Common Pleas being abolished, the Clerks will have all the papers for reference in case they are wanted; and in the place of the duties and emoluments taken

from them, we give them others of a more extended character.

Hon. Mr. TILLEY.—I think this will involve an increased expenditure for salaries, for if you deprive the Clerk of the privilege of practising in these Courts, although he may still do so in the Supreme Court, he will require additional pay. If you say the Clerk of the Peace shall be appointed, he will have to give up his practice in the Courts which he is now allowed, and if he refuses to do that, then he must give up the office of Clerk of the Peace, and thus the most valuable men, those most qualified to fill the office, would not get the appointment, from the fact that there will not be sufficient Court business to pay them for the services they will be required to perform if they are confined to that alone. I think it should be left in the hands of the Government.

Mr. SMITH.—I think everything goes to show that the two offices should be combined. The Clerk of the Peace has usually access for the deposit of his papers, and this is another consideration why he should be appointed. Now the Clerks of the Peace are also the Clerks of the Court of Common Pleas in every County all over the Province, and if they are made Clerks of the County Courts, and the business is any way large, they will gladly take this office combined with the other, but of course a good and efficient Attorney would not accept it, if he is prevented from practice and confined to this alone.

Mr. JOHNSON.—I think that instead of increasing the expense we shall by this arrangement lessen it. We shall get a better man if he knows that both offices are combined than as though they were separate. If the Clerk of these Courts is allowed to practice, it gives him a most dangerous power, for having all the papers in his possession in the various causes that come before the Court, he would be enabled to use them for the furtherance of his own cause. Just think of a practising Attorney being allowed to scrutinize the records of judgment and other papers affecting a case in which he was interested. Why, if he were at all unscrupulous he would pick out little troubles and difficulties and use his knowledge for his own purposes, and thus litigation would be infinitely increased. Besides when it became known that such a power lay in the hands of this man, people would shun the Court, afraid to place their cases in the hands of men who were in a position to take advantage of them.

Mr. SKINNER.—I beg to suggest to the Attorney General whether at the present stage it would not be well to report progress, with leave to sit again. I have a case that stood the order of the day

for yesterday afternoon, but I gave way to allow this Bill to be committed, and I should now like to take it up and get it out of the way.

Hon. Mr. FISHER.—As it is now only a question of detail, and the principle of the Bill is established, I am quite willing to report progress if I can't get it made the order of the day for to-morrow at 11 o'clock.

Mr. Speaker having resumed the Chair, progress was reported, and the Bill made the order of the day for to-morrow morning at 11 o'clock.

#### P. E. I. STEAM CO'S CHAIR.

Mr. SKINNER moved the House into Committee on the Report of the Special Committee to whom was referred the claim of the Prince Edward Island Steam Navigation Company's claim, for services of the steamer "Princess of Wales" on the North Shore route, in the year 1866.

Mr. LEWIS in the Chair.

The Report which appeared in the proceedings of Monday last was read.

Mr. SKINNER.—In order, Mr. Chairman, to bring this matter before the Committee in some tangible shape, I beg to move the following Resolution:

"Resolved, As the opinion of this Committee, that the sum of—should be paid to the Prince Edward Island Steam Navigation Company in full for their claim in the matter referred in the Report now under consideration."

In order to obtain a thorough understanding of the position of affairs in this case, it will be necessary to go into a great number of papers and evidence, which have already been before the Special Committee. We find that in the year 1865 the Government required a steamer to run on the North Shore route; that having made their wants known they received offers, and among them one from the Prince Edward Island Steam Navigation Company, which offer mentioned the amount that was to be paid, the trips to be made, and the notice which would be required in case of discontinuance. Here is their proposal:

"Steamboat Company of Prince Edward Island propose to the Government of New Brunswick to run the boat 'Princess of Wales' one trip a week from Shediac to Newcastle, touching at Chatham and Richibucto, going and coming, (weather permitting) for the sum of \$3,000 for the season."

This sum to be in addition to the \$1,500 a year heretofore paid for carrying the mails.

The boat to leave Shediac on Tuesday morning for Richibucto and Newcastle, and to leave Newcastle on Wednesday morning for Shediac.

Should this proposition be accepted, the Government of New Brunswick to be at liberty to terminate the contract on