

which we now possess, but after due consideration, I have made up my mind to support it.

Mr. CHANDLER.—I thought from the length of time the hon. member for Westmorland (Mr. Smith) spoke, we would have heard more from him regarding the principle of the Bill. In the first place, he said he was going to discuss the principle of the Bill, and was not going to enter into details; but he said very few words about the principle, but spoke about the defects of the different sections of the Bill. It has been said that we have not the power or right to legislate upon this subject at all. I say until the Union is consummated we are clothed with all the powers we had. Has not this Legislature the power to establish or abolish any Courts of Law? I say our legal right to do so cannot be doubted. Then if there is a legal right, we must consider whether it is necessary. Let us look at the state of the law as administered in the country. My hon. friend from Westmorland (Mr. Smith) has tried to put a false gloss on some of his statements; he refers to the jurisdiction of the Supreme Court, and says in a summary action the costs would be £7.20, but under this Bill they would be \$8.60 including the cost of the execution. That is for sums below £20, but if you bring an action for sums of from £20 to £50 in the Supreme Court the costs are £8 or £9; therefore, when he compared the costs under this Bill and the costs in the Supreme Court, he did not state the whole case. This Bill possesses the important element of cheap justice, for causes are decided cheaply and quickly. It proposes to reduce the number of Jurors to five, thereby reducing the expense considerably. If I had my way in this summary Jurisdiction, in all cases where the mere right of the party or debts are concerned I would not have any Jury at all. I would rather leave the cause to an intelligent and learned Judge than submit it to a Jury, who are influenced by paltry prejudice or who are not acquainted with the subject. In the Supreme Courts in England and in this Province there is often a great contest between the Judge and Jury. The Jury often go against the evidence, and then applications are made for new trials to get rid of the wrong decisions of Juries. If the Judge in any of these County Courts should go wrong and misdirect the Jury, the party has an appeal open to him and he can avail himself of it. I have made a very few observations, and I shall reserve my remarks until we come to consider the details of the Bill. It is admitted that we have a right to legislate upon this subject, therefore

the only thing for us to consider is whether the country is in such a state as to require the construction of this Court. If it is the opinion of the House that we are in such a state that this new system is required, and there is no legal objection, I shall give the Bill my support.

Mr. LEWIS.—There seems to be some difficulty between some of the hon. gentlemen who support the Bill and some of the hon. gentlemen who hold the situation of Judges in the Inferior Court of Common Pleas. Some hon. gentlemen have a prospect of being elevated to the offices of Judges in those County Courts, but my hon. friend from Northumberland and myself are not in that position—we expect to be lowered down from the position we formerly occupied. Notwithstanding this, if this House can rightly and justly pass this Bill, and the Dominion of Canada pay the Judges, I shall support the Bill, for I think it is required by the country.

Mr. SMITH.—I assume this Bill will pass, for I think any measure the Government may bring forward will be agreed to by this House. I do not think it proper for the Provincial Secretary to state here what he would do, and what he would not do, for the purpose of making a reputation for himself, for that will not avail in the interpretation of a statute. What a man will do and what he will not do does not affect the construction of a law. We have to look at this Act as it is, and not to any proposition made in regard to it. The hon. member from St. John (Mr. Wilmot) says he made a proposition that County Courts should be adopted in this Province, and this was agreed to by the Delegates; but the Attorney General seems to disagree with him, for he says there was something said about County Courts, but he does not recollect of anything being said about bringing in a law to constitute them. The Provincial Secretary's memory is better; he states that it was discussed elaborately and fully, and it was understood we were to bring in an act to constitute those Courts. He insinuates I am advocating the interest of Canada, while I had charged him with pursuing that course. I am not advocating the interest of Canada, but I am giving a fair construction to an Act according to the language employed. One hon. member says that constituting these Courts is no departure from the agreement made, and another hon. member says it is a departure from that agreement and we cannot justify it. That is the position we are in, and in the conflict of these statements we must look at what the law says. Neither the spirit of the law nor the letter gives this Legislature

authority to appoint new Judges in new Courts. It is said that the General Government will pay those Judges, but they must not forget what the people of the country will have to pay. You constitute four Courts, and have a Jury of ten for each Court, and all those Jury fees will have to be paid by the country. When the Attorney General tells us that the administration of the criminal law will be borne by the people, I am strengthened in my opposition. The Sessions will still continue one of the institutions of the country, and that Court must have a Grand Jury and a Petit Jury. We will have eight Courts in the country for the people to keep up. The payment of the Judges by the General Government is no object; for we will have to pay the Juries and keep up all the expenses. I believe there is no necessity for a law establishing four additional Courts, with a panel of ten Jurymen to pay, besides travelling expenses. If there is a failure of public justice in the country, and the people call loudly for some change in our judicial institutions, then let us make such change, but there is no such call for establishing those County Courts, by which additional burdens are imposed upon the country. We have now to pay \$6,000 a year as Jury fees, and this sum will be vastly increased when we establish these additional Courts. In regard to patronage: I suppose the Provincial Secretary, if a lawyer, would not take one of these Judgeships, for he has higher aspirations;—he wants to establish a reputation for Ottawa—he expects to get an office there with twelve hundred pounds a year. Still, he has some little interest in this matter; he has some friends around him who have fought with him side by side; he sees professional men who would undoubtedly adorn these Courts; and, when about to leave them, he feels it his duty to do something for them. He tells us that for every office he has had five applicants.

Hon. Mr. TILLEY.—I did not say that.

Mr. SMITH.—You said what meant it. The Secretary, like myself, will probably run his election, for we both seem to have Ottawa on the brain, and when he is taking leave of his friends, whom he has promised so much—

Hon. Mr. TILLEY.—I have not promised them anything.

Mr. SMITH.—Have you not promised them some of these Judgeships?

Hon. Mr. TILLEY.—No.

Mr. SMITH.—Have you not received applications for those offices?

Hon. Mr. TILLEY.—I received two letters from your own County.

Mr. SMITH.—No doubt but they were written by good men, for there are some