

ADMINISTRATION OF JUSTICE IN BRITISH COLUMBIA.

many quasi districts—most efficient government administrators and magistrates, but unfortunately entirely untrained in the law.

It is necessary to refer to the County Court and its Judges in order to follow intelligently the present position of the B. C. Supreme Court.

Confederation had at once a very marked effect upon these County Court Judges or Stipendiary Magistrates, as they were termed. With a jurisdiction each over all the Province, they united in their own persons all governmental (quasi) district offices, like the "Residents" at the native courts in India. It should here also be observed that there is a clause in an old B. C. County Court Act (sec. 9, of cap. 47, Consol. Stat. of B. C.), which allowed any Supreme Court Judge in his discretion to sit in any County Court case, with or without the County Court Judge of the particular (quasi) district. It is under this voluntary clause, if we be rightly informed, that the Supreme Court Judges have been and are now temporarily carrying on the County Court work of the Province.

To return.—With the Union, the Stipendiary Magistrates became "Dominion" officers, and (what we now understand as) their "Provincial" duties were at once swept away, and they remained merely Stipendiary County Court Judges. Thus arose, from Confederation itself, a great waste of judicial force. Soon, however, the Dominion cast numerous intricate and purely legal duties on them by its legislation in Insolvency, in appeals from Magistrates' Courts and so forth, and though their decisions were, it would seem, rarely reversed on appeal to the Supreme Court of B. C, still exception was taken to their non-legal training. A race of young lawyers was rapidly springing up into practice. A Bar Society was formed with Benchers' admissions and all in regular order; and the existence of non-legal judges was held forth as an anachronism.

It does not strike us as unnatural to hear

further that the Dominion Government hesitated to pension off a number of gentlemen of unexceptionable character, in the prime of life, and of great experience in the preservation of order in such a country as British Columbia, which was the only complete alternative, previous to the appointment of legal men to the County Judgeships. And we are not surprised to hear that year after year local acts on the subject were passed, sent back, amended, disallowed, re-enacted in endless protean shapes, delayed or refused, left to their operation or declared unconstitutional by the courts. The Local Government, we are told, complained to the Federal; the latter recriminated with invitations to suggest adequate remedies themselves, and this they did with a vengeance, if our chronicle be correct, for in 1879 the B. C. Legislature passed an Act authorizing the Governor-General to appoint two additional judges of the Supreme Court; declared that not less than three of the Supreme Court judges should reside on the mainland of British Columbia; enacted that on and after the new appointments the County Court system and Courts should still continue in force through the Province, and that every County Court must be presided over by a judge of the Supreme Court, who (it went on to say) "shall have and exercise all the jurisdiction. . . . now lawfully exercised by any judge of the County Court or judge of the Supreme Court" under the voluntary clause we have before cited. This retained the County Court system intact, but imposed *compulsorily* on the Supreme Court judges, and in the teeth of their solemn written protest, all the County Court work of British Columbia.

(To be continued.)