

magistrates and stipendiary magistrates, receiving no stipend." It is *lucus a non lucendo* business, though.

Mr. CAMERON (Middlesex). In Ontario, police magistrates are sometimes appointed without salary at the instance of a municipality, as it is a convenience, where the population is less than 5,000, to have one magistrate to attend to the business, instead of allowing the justices of the peace to carry it out. When this clause was up, the committee was rather in a hurry; but there can be no doubt that it is not desired to disfranchise those officers who receive no salary.

Mr. CAMERON (Inverness). In some counties of Nova Scotia, stipendiary magistrates are appointed to carry out the Scott Act. If they are to be disfranchised, I am afraid they will refuse to act. There are five in my county.

Mr. VAIL. At the last sitting of the municipal council, county of Digby, certain men of the first position in the county were appointed stipendiary magistrates without salary. As has been pointed out by my hon. friend from Inverness, they are to act under the Scott Act.

Mr. BLAKE. I suppose the difficulty arises out of our legislation here. We give certain powers to certain individuals whom we call stipendiary magistrates, and, in order to give these powers, they have to be appointed under that name, even though they are patriotic enough to act without remuneration. I confess I do not see very well the principle upon which even a stipendiary magistrate who has a stipend is disfranchised, as long as the stipend comes from the locality and not from the Government.

Sir JOHN A. MACDONALD. This was in the old law, but I quite agree with the hon. gentleman. After consultation with my friends, I was just about to propose, as I do now, that the words "police magistrates, stipendiary magistrates and recorders" be struck out of the disqualification clause.

Amendment agreed to.

On section 50,

Sir JOHN A. MACDONALD. I propose that this clause shall run as follows:—

The appeal shall be:

(1). In the Province of Ontario to the county judge in whose county the polling district where the appeal arises is situated;

(2). In the Province of Quebec, to the judge of the Superior Court resident in or having judicial charge of the judicial district within which is the polling district where the appeal arises;

(3). In Nova Scotia, New Brunswick, Manitoba, and Prince Edward Island, to the county judge;

(4). In British Columbia to the county judge, but, in any electoral district which is not included within the jurisdiction of any county judge, then to the Supreme Court, which court shall assign the duty of trying any appeal to any judge of the said court.

There is rather an anomalous state of affairs in British Columbia. That Province some years ago passed an Act appointing county judges, and subsequently they passed an Act adding two judges to their Supreme Court. It was held here, after communication between the Minister of Justice and the Government there, that with the two additional judges of the Supreme Court, there was no necessity for so many county judges. So that there are now two additional judges added to the Supreme Court, but a vote has been passed here which gives a salary to only one county judge. There is one county judge on the mainland at Cariboo or Lillooet, and the judges of the Supreme Court do all the rest of the work. They are situated somewhat like the district judges of the Superior Court in the Province of Quebec. There is a certain number of Supreme Court judges at headquarters in Victoria, and some judges are on the mainland, doing, in fact, circuit or district work. That, I fancy, would be only temporary, because, with the increase of population in the Province, the salaries will be provided

by the central Parliament here for all the county judges. Therefore, I think that at present the appeal in British Columbia should be to the "county judge in any electoral district which is not included in the jurisdiction of any county judge, then to the Supreme Court, which court shall assign the duty of trying any appeal to any judge in the said court." I think that is the best way of meeting the temporary difficulty.

Mr. BLAKE. May I ask why the hon. gentleman makes a distinction in the language between Ontario and the other cases in which county judges are now employed? Will it not be better in all cases to provide that it shall be to the county judge having jurisdiction over the polling districts out of which the appeal comes? And if that definition which the hon. gentleman has prescribed for Ontario is to remain, it may be necessary to provide that the revising officer shall not make his polling district to be composed of more than one county, or pieces of more than one county; because the hon. gentleman knows that he has changed the townships of Ontario in such a way that some divisions are composed of parts of three counties, and the duty of the revising officer in making polling districts is to make them composed of not more than 200 electors, so that it might be made of parts of two counties, and in that case you would not find any single county judge having jurisdiction over such polling division. Then, as to British Columbia, I think it would be better if the appeal could be arranged to be so that a judge of the Supreme Court who is resident and discharging his duty in the place most contiguous to the electoral district, to appeal on the facts as well as on law; but to appeal away to Victoria from the interior, and then to have the court at Victoria to decide to what judge that appeal should be assigned, and then to have it go back to him, seems to me like a cumbersome method of performing the work. The appeals that come from the Island of Vancouver might, no doubt, be as well disposed of in that way. If all the judges who are resident on the island are in Victoria, there is no difficulty in providing that the appeal shall be to the Supreme Court. If I remember rightly, at the time we discussed the British Columbia judiciary, one judge was to be at New Westminster, one at some point in the interior, and one at Kamloops. Why should you not provide having those stations assigned to them, that it should be that judge of the Supreme Court whose official place was nearest to the electoral district from which the appeal came? Then it would go direct to him instead of going all the way to Victoria and calling upon the Supreme Court judge to assign, and coming back to the mainland again.

Sir JOHN A. MACDONALD. In British Columbia there will be no practical difficulty under the present system. The revising officer will just send the appeal to Victoria where the Supreme Court judge will select a local judge. But it so happens, at this moment, that one of the local judges is in ill-health, and he would be unwilling to undertake the work. I do not think there would be any difficulty about it. The appeal goes at once to Victoria, and the court will at once assign the judge. Then, with respect to the remark of the hon. gentleman as to the difference between the electoral districts and the counties for judicial purposes in Ontario, I do not think there will be any difficulty as the sub-divisions of the polling districts are by the Act, if I remember aright, confined to the division of the municipality into electoral districts, while each municipality must belong to one judicial county or the other.

Mr. CAMERON (Middlesex) moved the insertion of the following clause:—

That any person appointed to any office or position under this Act, or required by this Act to do any matter or thing, shall for every wilful malfeasance, or wilful act of omission or commission, forfeit to the person aggrieved the penal sum of \$500, or such less sum as the jury or