

HOUSE OF ASSEMBLY

Monday, Feb. 26th, 1884.

House met at 3:15 P.M. Members present—Messrs. Young, DeCosmos, Franklin, Powell, Jackson, Trimble, Caswell, Bayley, Street, Duncan, and others.

RETIREMENT OF THE CHIEF JUSTICE

The Speaker said the retirement of the Chief Justice was the subject of the bill.

Mr. Franklin begged to introduce a bill providing a pension of \$500 for the retiring Chief Justice.

Mr. DeCosmos said that this bill looked as if the Government had not confidence in this House.

The Executive brings down a bill leaving out the very stipulations which had been made by a resolution of the House asking for the appointment of a barrister of 10 years' standing who had not been practicing in either of these colonies.

If these provisions were introduced into the bill he would support it with pleasure.

Mr. Street said that in common with his hon. friend the member for Victoria, he was rather surprised at the introduction of this bill in its present form, leaving out altogether the stipulations which had been made by a resolution of the House.

Unless these resolutions were incorporated in the bill he would feel bound to oppose it.

Dr. Helmsken said he did not see the need of introducing these provisions into the bill; it was quite easy to make them a subsequent matter.

The purpose of the bill was to secure the pension to the Chief Justice in the event of his resigning, and we could hardly expect him to resign till a sufficient guarantee was given him.

Dr. Powell said he had supported the resolutions in reference to the retirement of the Chief Justice, with the understanding that they should be carried out.

He would much prefer even to see the present incumbent keep his seat than have an appointment made which would be distasteful to the people of the colony.

He could not see why the resolutions might not be introduced into the bill; he could not support this bill unless the provisions for a future appointment were made as specific as the granting of the pension.

Mr. Young said he looked at this bill as a simple matter of business. There are resolutions sent by the House to the Home Government asking for the appointment of a barrister with certain qualifications, and offering to pay the present incumbent a pension. If the Home Government cannot force the Chief Justice to resign, unless he is incompetent to perform his duties and will naturally ask him if he is satisfied with the provision made.

This bill was introduced to meet the case; it was thought was simply meeting the views of the House.

Mr. Franklin said this very discussion showed the necessity of passing the proposed bill. There was evidently a want of confidence, not on the part of the Executive, but on the part of the House in the Chief Justice.

This House had asked the Chief Justice to resign, and now hon. members sought to secure him his pension.

Mr. Street took exception to the remark of the hon. member that this House had asked the Chief Justice to resign. The House had not made any such request.

Mr. DeCosmos said that if through influence brought to bear on the Home Government an objectionable appointment were made, the resolutions would simply be so much waste paper.

The whole matter might be easily settled if the hon. introduction of this bill will add a clause suspending the action of the bill till the appointment of a successor to the Chief Justice in accordance with the resolutions passed by the House.

Mr. Franklin must say that the action of certain hon. members in thus expressing a total want of confidence in the Executive was most reprehensible; he could hardly find words to express his reprobation of their conduct; it was most unparliamentary and un-English.

He certainly hoped that no amendment would be made to this bill.

Mr. Street said one of the "certain members" who had been accused by the hon. gentleman of want of confidence in the Executive, and of unparliamentary and un-English conduct, was of living 200 years ago.

He (Mr. S.) was not disposed to follow blindly the lead of the Executive. This House had passed certain resolutions, and in supporting the principle expressed in these resolutions he did not feel that he was "unparliamentary" and "un-English."

The hon. member himself was guilty of unparliamentary action in referring to the resolutions in a bill which struck at the root of the spirit and tenor of these resolutions. Why did hon. gentlemen refuse to insert a saving clause in this bill to suspend its action till the required appointment was made?

Did they object to the resolutions passed by the House? Did they fear them? Unless these resolutions were introduced into the bill he would be compelled to oppose it, even at the risk of being placed by hon. gentlemen in the position of having no confidence in the Executive. (Applauded.)

Mr. Young said the bill was introduced, and it would cause a great waste of time. If the resolutions were sent home without the bill it would necessitate a reply and another application, and 12 or 18 months would elapse before a Chief Justice could be appointed. There seemed to be a bugbear

of the Park at Cedar Hill as a public house, and some frightful local barrister he installed in his place. He saw no particular objection to adding a clause suspending the action of the bill till a good-looking barrister were sent from England.

Dr. Helmsken said the whole matter simply resolved itself into this, that some honorable members had more confidence in the home government than other honorable members. The Executive of the colony had nothing to do with it. Honorable members seem to fear that the home government may appoint a barrister of this colony as Chief Justice.

On motion of Mr. Street, the committee reported progress on the bill.

ANNEXTION

Mr. Franklin brought forward his motion for the annexation of Queen Charlotte Island.

The honorable gentleman reiterated his arguments in favor of his proposition, showing the amount of money Vancouver Island spends in Queen Charlotte Island and the large extent of territory already possessed by British Columbia. He urged the importance of the island to this colony, as to area, navigation, &c. He would say that this matter occupied much attention outside of the House, many parties having spoken to him about it.

He would move that an address be sent to the home government, from the Legislature, praying that Queen Charlotte Island be made a part of this colony.

Mr. Young said he would be very happy to support this motion if he saw the slightest probability of the success of the motion. He could not see a single argument which could be adduced in favor of the motion.

Mr. DeCosmos said the motion was a mere matter of form, and he would support it as a matter of course.

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