

## ADMINISTRATION OF JUSTICE IN BRITISH COLUMBIA.

of the Imperial Government previous to Confederation, and merged, or rather concentrated in the present Supreme Court of British Columbia, the Judge of it was made Chief Justice, and by a similar Imperial order and by warrant under the Queen's sign manual and signet, a Puisne Judge, the Hon. Mr. Justice Crease, who for nine years previously had been under Queen's warrant and Letters Patent H. M. Attorney-General for the Colony, was raised to the Bench of the said Supreme Court with as full and ample powers, privileges, jurisdiction, and authority as were possessed by the Chief Justice of that Court.

Consequently the Court at the Union combined in itself complete jurisdiction in Equity, Common Law, Probate, Divorce, Bankruptcy, Insolvency, Admiralty, and in short, "in all pleas, civil and criminal, arising within the Colony."

Such was the position of the Court and its judges when Confederation came in 1871; and by Art. 10 of the Terms, and by sec. 129 of the B. N. A. Act of 1867, "all Courts of civil and criminal jurisdiction, and all legal commissions, powers and authority, and all offices, judicial, administrative and ministerial, existing therein at the union, (it was enacted) should continue, etc., as if the Union had not been made, subject, nevertheless, (except with respect to such as were enacted by or executed under Acts of the Imperial Parliament), to be repealed, abolished or altered by the Legislature of the Dominion, or the respective Province, according to the authority of the Parliament or of that Legislature under that (the B. N. A.) Act."

Consequently, all the powers, privileges and jurisdiction of this Supreme Court and its judges were perpetuated and handed down as they existed before the Union in every possible respect.

In 1872, a Royal Commission by Letters Patent under the great seal appears to have been issued, in the same ample terms, and

with all and singular the same jurisdiction, power and privileges in every respect as those of the other two judges, to the Honorable Mr. Justice Gray, as a Puisne Judge of the same Court, and a B. C. Act passed for the occasion added, as far as it could, local sanction to the appointment and its terms.

It is, therefore, according to these authorities, no mushroom tribunal, but an old and honoured Court of Imperial statutory creation and descent, and as we stated before, heir of all the powers, authorities and jurisdiction of the Supreme Courts of the Colony in all pleas civil and criminal whatsoever arising within it.

To those living on this side of "the Rockies" it may be a matter of surprise to hear that the B. C. Court was far ahead of the Courts of the older Provinces in its *procedure*. For, having been established in 1858, it had the advantage over all the older Colonies, in being able to introduce and actually introducing all the reforms established by the Common Law Procedure Acts of 1852 and 1854, and indeed all the amendments of the Statute law up to 19 Nov. 1858, (the birth-day of B.C.) and afterwards the C. L. P. Act of 1862, which were subsequently extended to some of the other Provinces.

Such, then, our readers will remember in following our subsequent observations on the various local acts which affected the subject, was the Supreme Court, and such its Judges with whom subsequent local provincial legislation after 1871 and 1872 assumed to deal.

At this point we must retrace our steps awhile in our information to say that as far back as 1860 partially, and 1867, over all British Columbia, and ever since, the English County Court system and law, without any very material alteration, was established and has existed in full force down to the present day, administered by six stipendiary magistrates distributed through the country in as