

June 1st, 1872

British Columbia all those gentlemen must be employed or be pensioned with two-thirds salary. He understood that they were men in the prime of life, and had no doubt they would be only too glad to get the pension and employ their energies wherever they pleased.

**Mr. MILLS:** Six stipendiary magistrates and three Superior Court judges for a population of 10,000!

**Hon. Sir JOHN A. MACDONALD** said the great rush of foreigners and miners to the gold fields had rendered the appointments necessary. The provision had been approved by the House and would have to be carried out. The salaries were the same as before the Union, and were fixed by the Imperial Government. The population was nearer 60,000 than 10,000.

**Hon. Mr. WOOD:** Had made inquiries and ascertained that in Nova Scotia they had no County Courts, and he thought they were extending them to British Columbia too soon.

**Mr. De COSMOS** replied that for a very long time past British Columbia had had County Courts, and the large space of territory and scattered population necessitated the appointment of the six stipendiary magistrates.

**Hon. Sir FRANCIS HINCKS** said the proposition of the hon. gentleman opposite was simply to pension off the stipendiary magistrates and appoint County Court Judges in lieu of them.

**Hon. Mr. ANGLIN** did not think that the Dominion should be called on to pay the Stipendiary Magistrates. He referred to the system in force in New Brunswick. He thought the present judicial staff in British Columbia was adequate to meet the requirements of the Province. The expenditure connected with British Columbia was already enormous and should not be increased unnecessarily. He thought the proposition to appoint three Judges for Manitoba preposterous, and he should favour any amendment tending to the exercise of reasonable economy.

The House then went into committee on the resolution—**Mr. STREET** in the chair.

**Hon. Mr. BLAKE** thought the appointments proposed entirely too large for the requirements of the Provinces. The Legislature of Manitoba first considered one Judge sufficient, and had only changed their views on learning this opinion of the Minister of Justice, and so a larger expenditure was now asked so that there might be three Judges. As to British Columbia, he believed two or four were quite enough for an Appellant Court, and he thought it unfortunate that the Premier himself should have suggested a burden greater than the Province itself asked for. If the Stipendiary Magistrates were County Court Judges, they should be so termed in

the resolution. British Columbia in future years might require County Court Judges, and it must be done if necessary; but they were bound to see that it was necessary before doing so.

In the unorganized portions of Ontario which the Government claimed were not within the province, Stipendiary Magistrates were appointed, and they were not termed County Court Judges, so as to throw the burden on the Dominion. If only the county court work was to be performed, so many appointments were not necessary, and the work of magistrates and commissioners should be borne by the Province and not by the Dominion.

The amount was unimportant, but the question involved the whole matter of the administration of justice—and the consequence would be that the Minister of Justice (Hon. Sir John A. Macdonald) would suggest the necessity of other judges, and then fill the offices and pay the salaries, and so more appointments would be made than necessary. If British Columbia created County Courts they were entitled to have the judgeships filled by professional gentlemen.

**Mr. SMITH (Selkirk)** said that since Manitoba considered one Judge sufficient, the population had spread over the country very considerably instead of being as then confined within a short range from Fort Garry, and what was then sufficient would be very inadequate now—and the amount asked was in no way too large, considering the increased expense of living in that country. Three judges would not be too many.

**Mr. MILLS** maintained that the duties devolving on the judicial officers in British Columbia were very small, as far as the Dominion was concerned, and their principal duties were connected with the Province. He thought one-third of the amount quite sufficient.

**Hon. Sir JOHN A. MACDONALD** said the Judges had their salaries secured to them, and if others were appointed, they would have to be pensioned. He understood that there were County Courts in British Columbia and the Dominion must pay the salaries.

**Hon. Mr. BLAKE** repeated that two-thirds of the duties were of a local character.

**Hon. Sir JOHN A. MACDONALD** said on the day of the union the gentlemen were all entitled to pensions and could have retired.

**Mr. De COSMOS** objected that the salary proposed for the Judge in British Columbia was inadequate.

The resolutions were passed by the Committee, and the Bill founded thereon was introduced and read a first time.

The House adjourned at six o'clock.