

# RETURN

To an Address of the Legislative Assembly, for copies of Correspondence between the Government of the Province and the Government of Canada, referring to the appointment of County Court Judges for the Province.

By Command.

JOHN ASH,

*Provincial Secretary.*

*Provincial Secretary's Office.*

17th January, 1873.

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*The Lieutenant-Governor to the Hon. J. Howe.*

No. 41.

20th March, 1872.

SIR,—I have the honor to enclose herewith, for the information of His Excellency the Governor-General, a copy of an Address of the Legislative Assembly of this Province, praying that I would move the Government of Canada to appoint Barristers, or other persons learned in the law, as County Court Judges in British Columbia, in place of the present incumbents of those offices, who are not professionally so qualified.

Having laid the Address before my Responsible Ministers, I enclose also a certified extract from the Minutes of Executive Council, expressing their opinion in accordance with the prayer of this Address, and asking me to recommend the same, on behalf of this Government, to the favourable consideration of the Government of the Dominion. I have, therefore, much pleasure in forwarding this request, with the hope that His Excellency may deem it advisable to comply therewith. I have, &c.

(Signed) JOSEPH W. TRUTCH.

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*Extract from Minutes of the Executive Council, held on the 11th March, 1872.*

His Excellency the Lieutenant-Governor laid before the Council an Address from the Legislative Assembly—reference appointment of professional men to County Court Bench.

The Council being of opinion that the suggestion of the Legislative Assembly should be carried into effect, it was agreed that His Excellency be requested to forward the Address to the Governor-General, recommending the same to the favourable consideration of the Dominion Government.

(Certified) JAS. JUDSON YOUNG,  
*Clerk Executive Council.*

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*The Lieutenant-Governor to the Hon. J. Howe.*

No. 54.

11th April, 1872.

SIR,—I have the honor to transmit, for such action as His Excellency the Governor-General may be pleased to take thereon, duly authenticated copies of 33 Acts, the titles of which are set forth in the Schedule hereto annexed, to which I have this day, in the Legislative Assembly, declared my assent, in Her Majesty's name. I also enclose, for His Excellency's consideration, a copy of the Report of my Attorney-General on each of these several Bills.

I have, &c.,  
(Signed) JOSEPH W. TRUTCH.

*The Hon. J. Howe to the Lieutenant-Governor.*

No. 62.

11th April, 1872.

SIR,—I have the honor to acknowledge the receipt of your Despatch, No. 41, of the 20th ultimo, covering a copy of an Address presented to you by the Legislative Assembly of the Province of British Columbia, and of a Minute of your Executive Council, recommending the appointment of Barristers as County Court Judges in the Province, and submitting the same for the favourable consideration of the Government. Your Despatch, and its enclosures, will be duly laid before His Excellency the Governor-General. I have, &c.

(Signed) JOSEPH HOWE.

*The Lieutenant-Governor to the Hon. J. Howe.*

No. 92.

November 21st, 1872.

SIR,—With reference to my Despatch, No. 41, of the 20th March last, forwarding a copy of an Address from the Legislative Assembly of this Province, urging that Barristers, or other persons learned in the law, should be appointed County Court Judges, in place of the present incumbents of those offices, who are not professionally qualified lawyers, and No. 54, of the 11th April last, transmitting, amongst other Acts passed and assented to during the last Session of the Legislative Assembly, a copy of an Act entitled the "County Court Judges' Appointment Act, 1872," I have the honor to enclose herewith, and to request that you will be good enough to submit for the consideration of His Excellency the Governor-General, a Minute of my Executive Council, expressing the views of this Government, to the effect that this Province should be divided into five County Court Districts, as defined in the said Minute and accompanying Map, and that a duly qualified member of the legal profession should be appointed as County Court Judge for each such District. I have, &c.

(Signed) JOSEPH W. TRUTCH.

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 19th November, 1872.*

On a Memorandum, dated 18th November, 1872, from the Honorable the Attorney-General, reporting on the "County Court Judges' Appointment Act, 1872," that in the 1st Section it is enacted that "Notwithstanding anything in the Imperial Statutes, or in the 'County Court Ordinance, 1867,' or any of them contained, it shall and may be lawful for the Governor-General of Canada, from time to time, to appoint any fit and proper persons as and to be County Court Judges for such parts of this Province as he shall, from time to time, in that behalf "direct or appoint."

The present County Court Judges, appointed as such before Union, have jurisdiction over the entire Province, although they respectively exercise such jurisdiction only over particular portions of the Province.

The Legislative Assembly of British Columbia, on the 5th day of March, 1872, recommended that not less than three professional gentlemen should be appointed to be County Court Judges, in lieu of the present occupants of office, who are not professional gentlemen.

With a view to carrying out this Resolution, if the Governor-General be so advised, and the convenient distribution of the duties of the Judges so to be appointed, the Honorable the Attorney-General recommends that the Province should be divided into five Districts:—

District No. 1.—The whole of Vancouver Island, the Electoral District of New Westminster, the Coast Range of British Columbia up to 54° parallel, and Queen Charlotte Island.

District No. 2.—The Electoral Districts of Yale and Lillooet.

District No. 3.—The Electoral District of Cariboo, excepting that portion North of the 54° parallel.

District No. 4.—The Electoral District of Kootenay.

District No. 5.—That portion of British Columbia North of the 54° parallel.

And that five professional gentlemen should be appointed as County Court Judges for these Districts respectively.

The Committee advise that the recommendation be approved.

(Certified) JAS. JUDSON YOUNG,  
*Clerk Executive Council.*

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*The Hon. J. Howe to the Lieutenant-Governor.*

No. 130.

16th December, 1872.

SIR,—I have the honor to acknowledge the receipt of your Despatch No. 92, of the 21st ultimo, transmitting, with reference to your Despatches No. 41 of the 20th March last, and No. 54 of the 11th April last, a copy of a Minute of your Executive Council, recommending that the Province of British Columbia be divided into Five County Court Districts, as defined in the said Minute and accompanying Map in your Despatch, and that a duly qualified member of the legal profession be appointed Judge for each such District. Your Despatch and its enclosures will be brought under the early notice of His Excellency the Governor-General in Council.

I have, &c.,  
(Signed) JOSEPH HOWE.