
ORDER IN COUNCIL

Relating to the Appointment of County Court Judges in British Columbia.

By Command.

JNO. ROBSON,

*Provincial Secretary's Office,
5th December, 1883.*

Provincial Secretary.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 9th April, 1883.

The Committee of Council have had under consideration the "County Courts Act, 1883," and the necessity of resident Judges being upon the Mainland.

The people of that portion of the Province, by themselves and their representatives, justly complain of their being left without any judicial system.

Disputes remain unsettled to the disquietude of the community; debtors defy their creditors, and administration of the estates of deceased persons does not take place except through applications made at Victoria at undue expense.

In Cariboo (Cariboo County Court) no County Court has been held since October, 1882.

At Clinton (Cariboo County Court) only one County Court has been held since July, 1881.

At Lillooet (Cariboo County Court) no County Court has been held since July, 1881.

At Kamloops (Yale County Court) only one County Court since November, 1881, and

At Lytton (Yale County Court) only one County Court since June, 1881.

Important localities, such as Spence's Bridge, Ashcroft and Nicola Valley (Yale County Court) are also left without a County Court.

Such a state of things is felt by the Mainland to be intolerable.

It has been questioned whether a Supreme Court Judge can be compelled to hold the County Court.

It is questionable whether a Judge of the Supreme Court while in one of the judicial districts say, for example, Cariboo, can enforce a decree or order made by him as a Judge of the Supreme Court, when the Seal of the Supreme Court is in Victoria.

It is also doubtful whether the Supreme Court can sit at two or more places at the one time.

The system of districting the Judges of the Supreme Court has practically broken down, and the Judges do not reside in their districts. The Act providing for districting the Judges did not provide for making District Courts.

In any event, their presence in Victoria is required periodically for appellate business.

Owing to the great distances between some of the districts and Victoria, and the impracticability of travelling during the winter season, these districts, while their Judges are absent on appellate duty, must of necessity be left without Courts for an undue length of time.

It is of doubtful policy to disintegrate a Court which is the supreme tribunal of the Province, which in many respects answers to the Court of Queen's Bench, and exercises both original and appellate jurisdiction.

The County Court system is eminently adapted to the requirements of the Mainland, and for that matter of the Province.

The County Courts Act of this Session, to which the Lieutenant-Governor's assent has been given (and a copy of which is enclosed), gives a wide legal and equitable jurisdiction. It also gives probate jurisdiction. By the Mineral Act of 1882 (sec. 19), full jurisdiction is also given in mining cases.

