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## RETURN

To an Address presented to His Honour the Lieutenant-Governor, requesting him to cause to be sent down to this House copies of all correspondence, papers, Orders in Council, or other representations relating to the necessity of stationing a Supreme Court Judge in the City of Vancouver.

THEODORE DAVIE,

*Attorney-General's Office,  
20th March, 1894.*

*Attorney-General.*

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ATTORNEY-GENERAL'S OFFICE,  
July 27th, 1892.

*The Honourable Sir John S. D. Thompson, K.C.B.,  
Minister of Justice, Ottawa, Ont.*

SIR,—I beg to enclose herewith copy of an Act passed at the last Session of the Legislative Assembly of the Province of British Columbia, intituled the "Supreme Court Act Amendment Act, 1892," the object of which is to meet the exigencies of legal business in the City of Vancouver by separating that City from the New Westminster Judicial District, to which it has heretofore belonged, and creating it into a separate and distinct Judicial District. Besides the City proper, a further portion of New Westminster District is also included, the division having been determined by the measure of greater accessibility and the District being identical with what has recently been created a new Registry District.

The necessity of the separation of these two Cities has been urged upon the Government for some time, as the amount of legal business transacted in Vancouver was equal to if not greater than that transacted in New Westminster, and is constantly increasing, and great inconvenience has been occasioned not only to members of the Bar but also to every business man who had occasion to resort to the Courts by the necessity of attending Westminster for every petty matter which might arise in the course of an action.

In order to carry out the details of the proposed change, two further Acts were passed during the last Session, being amendments to the Sheriffs' and the Jurors' Acts, respectively, and providing for the appointment of a Sheriff for the new District, and for the application to the new District of the provisions of the "Jurors' Act."

As you will see by the enclosed copy, the "Supreme Court Act Amendment Act, 1892," does not come into force until proclaimed by Order in Council, and the Council have recently had the matter under consideration, when it appeared to me that before it would be possible to advise the proclamation of the Act it would be necessary for you to take the matter into consideration, in view of the fact that unless there is some understanding as to who shall perform the Judicial duties within the new District any attempted creation of the District would be futile.

It is with the object of laying this matter before you for your consideration, and for the purpose of obtaining some assurance as to the manner in which my suggestion, that one of the Judges should be assigned to this District, will be received, that I now write.

It may seem peculiar to you that two cities so close to each other as are New Westminster and Vancouver should require to be separated for Judicial purposes, but upon consideration of the matter I think you will see that their situation is unique, in Canada at any rate, and I assure you that the matter was very strongly represented to me before I consented to introduce the Bills above mentioned into the House.

I would like to be able to inform the Profession in Vancouver at an early date of what the prospects are in the matter, and so will expectantly await your reply.

I have the honour to be, Sir,

Your obedient servant,  
(Signed) THEODORE DAVIE,  
*Attorney-General.*

OTTAWA, 15th August, 1892.

*Honourable T. Davie,*  
*Attorney-General, Victoria, B. C.*

DEAR SIR,—In the absence of Sir John Thompson, I beg to acknowledge the receipt of your letter of the 27th July, enclosing a copy of an Act of your Legislature amending the "Supreme Court Act."

Would you kindly point out any machinery which exists which gives the Government of Canada the power to assign to any particular District any Judge of your Supreme Court.

As you are aware, the Minister of Justice is very anxious to do what he can to meet the difficulties in connection with the administration of justice existing on the Mainland, and he would be glad if you would point out more in detail than your letter how under existing legislation a remedy can be found.

Yours faithfully,  
(Signed) ROBT. SEDGEWICK, *D. M. J.*

ATTORNEY-GENERAL'S OFFICE,  
September 3rd, 1892.

*R. Sedgewick, Esq., Q. C.,*  
*Deputy Minister of Justice, Ottawa, Ont.*

DEAR SIR,—Replying to your letter of the 15th August, in which you ask me to "point out any machinery which exists which gives the Government of Canada the power to assign to any particular District any Judge of the Supreme Court," I can only refer to section 17 of our "Supreme Court Act," and to the practice which has been pursued thereunder.

Section 17 indicates the Districts where the Judges shall reside and usually discharge their duties, and the Act of last Session says that Vancouver shall be one of those sections.

The carrying out of the Act seems to be a matter of arrangement between the Judges themselves, but, failing such an arrangement, it seems to me that the Dominion Government can usefully intervene. This was what was practically done in the year (I think) 1883, by the late Sir Alexander Campbell, then Minister of Justice. By a previous Order in Council it had been directed that Mr. Justice Gray should reside at New Westminster, but by an arrangement concluded between Sir Alexander, when he paid a visit to this Province, and the Judges of the Court, it was ordered that Mr. Justice Gray should reside at Victoria, and Mr. Justice McCreight, who had theretofore lived in Cariboo, should take up his residence at Westminster.

I am only speaking from recollection, but I think you will find that the districting of the Judges, Mr. McCreight to New Westminster, and Mr. Walkem to Kamloops, was done by order of the Dominion Government.

The question of the constitutionality of section 17 was brought before the Supreme Court of Canada in the "Thrasher" case, and upheld.

The districting of the Judges at that time, as it has always done, gave much trouble, but the Dominion Government finally passed an order upon the subject in the way I have mentioned, and I can see no other plan to be adopted now.

I intend visiting Ottawa shortly, and will avail myself of the opportunity of discussing the question with the Minister, as well as with yourself.

Yours truly,  
(Signed) THEODORE DAVIE,  
*Attorney-General.*

OTTAWA, November 18th, 1892.

*Extract from Letter of Honourable Mr. Davie to the Honourable Sir John S. D. Thompson.*

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The question of the Judicial needs of Vancouver District had already been satisfactorily arranged at a conference previously had with yourself and Deputy, the arrangement being that one of the Victoria Judges should hold Court weekly at Vancouver, and that during Mr. Justice McCreight's leave of absence the Local Government should enlarge County Court Judge Bole's jurisdiction as a local Superior Court Judge and include his name and that of Mr. Harrison in the Assize Commission, leaving it to the County Court Judges Bole and Harrison to arrange between themselves for the latter's assistance in the County Court work in the New Westminster Judicial District.

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VICTORIA, B. C.:

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