

saying that the provincial courts have no jurisdiction in cases where the railway is partially in one province and partially in another; in other words, except within the boundaries of the province the provincial court has no jurisdiction.

Mr. FRASER. I would like to ask the hon. gentleman (Mr. Wade) if the section which he read declaring that the Exchequer Court shall have concurrent jurisdiction with the provincial courts does not relate exclusively to cases where the Crown is a party to the suit.

Mr. WADE. Of course it relates to cases where the Crown is a party to the suit.

Mr. FRASER. Only?

Mr. WADE. Yes only. It says:

The Exchequer Court shall also have concurrent jurisdiction with the courts of the several provinces, in all other suits of a civil nature at common law or equity, in which the Crown, in the interests of the Dominion of Canada is plaintiff or petitioner.

The case I have in mind is one like this: suppose a company has a contract with the government to build a railway and the government is to pay a subsidy for the building of the road; suppose the government had paid a portion of the subsidy and they wished to enforce the contract. The question in my mind is as to the Exchequer Court jurisdiction; and if it is a road which is partly in one province and partly in another, is there any court now that has jurisdiction? It is not desirable that we should beyond doubt clothe the Exchequer Court with jurisdiction?

Mr. FRASER. It seems to me that the Crown would never want to sell the railway although they might take possession of it. I doubt if the government would ever sell a railway unless the contract was specifically made to provide that the government can sell it.

Mr. WADE. If the Crown was a creditor there would be no trouble about the Crown proceeding under this present Bill, but I submit to the attention of the Minister of Justice the case in which the Crown is not a creditor.

Bill reported, read the third time, and passed.

JUDGES' RETIRING ALLOWANCES.

House again in committee to consider the proposed resolution:

Resolved, that it is expedient to amend the Supreme and Exchequer Courts Act, the Exchequer Court Act, and the Act respecting Judges of Provincial Courts, and to provide as follows:

1. If any judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any superior court of Canada, resigns his office, His Majesty may, by letters patent under

the Great Seal, reciting such judge's age and period of service, grant unto him an annuity equal to the salary of the office held by him at the time of his resignation; to commence immediately after his resignation, and to continue thenceforth during his natural life; provided such judge has (a) attained the age of seventy-five years, and continued in office as judge of one or more of the said courts, or as such judge and as stipendiary magistrate of the North-west Territories, for twenty years or upwards; or (b) attained the age of seventy years, and continued in office, as judge of one or more of the said courts for twenty-five years or upwards; or (c) continued in office as judge of one or more of the said courts for thirty years or upwards.

2. If any judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of a Superior Court of any of the provinces of Canada, resigns or has heretofore resigned his office as such judge, to accept the office of lieutenant governor of a province, and if he serves, or has served as lieutenant governor, and is not otherwise eligible for any retiring annuity, as such judge, His Majesty may, at any time after the expiration of the term of service of such judge as lieutenant governor, grant unto such judge an annuity equal to two-thirds of the salary annexed to the judicial office which he held at the time of his resignation; to commence immediately upon the issue of such letters patent, and to continue thenceforth during his natural life.

3. Every county court judge who has attained the age of eighty years shall be compulsorily retired; and to any judge who is so retired, or who, having attained the age of seventy-five years, resigns his office, and who in either case has continued in office for a period of twenty-five years or upwards, His Majesty may grant an annuity equal to the salary of the office held by him at the time of his retirement; or if he has continued in office as such judge for a less period than twenty-five years, equal to two-thirds of such salary; provided that to any such judge who is so compulsorily retired, or who so resigns within years after the passing of the Act based upon these resolutions, there may be granted an annuity equal to the full salary of the office held by him at the time of his retirement or resignation, irrespective of the number of years he has continued in office.

4. If any judge of a county court, after having continued in office for a period of thirty-five years, and become afflicted with some permanent infirmity, disabling him from the due execution of his office, resigns his office, His Majesty may, by letters patent under the Great Seal of Canada, grant to him a pension equal to the salary of his office at the time of his retirement; the said annuity to commence immediately after his retirement, and to continue thenceforth during his natural life.—The Minister of Justice.

On section 1.

The MINISTER OF JUSTICE (Hon. Charles Fitzpatrick). I may explain that the first clause makes provision for Superior Court judges, and the judges of the Exchequer Court and the Supreme Court: that they shall have the right to retire upon their full salary upon the occurrence of any one of the following conditions: That a judge shall be 75 years old and have 20 years