

but in any case it is work to which the judges have to devote their whole time, and leaving the salaries at that figure might perhaps invite comparisons with other allowances from which it would appear that there was not perhaps altogether quite a fair balancing of the different conditions. In any event, I may say that the principal reason is that we find ourselves face to face with the fact that such differences operate unjustly, and it was impossible to find a line of demarcation that would operate equitably. Therefore it appeared to us in view of the very large number of County Court judges, with regard to whom I do not think it can be suggested that \$5,000 is too large a salary, that even if it should happen that taking in the whole there might be places where the work would not be adequate to justify that salary, still on the whole balance we would be doing the right thing by granting the increase.

Then there is another feature to be considered; it is undesirable to discriminate between judges. A judge is a judge—it is the position. It may happen that a judge is appointed to a district where there is a little less work than in other districts, but that is not because he selected that district. Whether the work be heavy or light, his whole time is given to it, and if he is a man fit and capable to be a judge in any court and to do honour to his office, I think everybody will agree that he would be able to earn at least \$5,000, if not more.

It has been suggested that in the province of Ontario, with the large number of County Court judges, there were some with not adequate work as compared with the judges in the other provinces. In that connection I would point out, that under recent legislation, we are steadily proceeding to decrease the number, so that the judges who at present number seventy in the County Court will ultimately be reduced to fifty. Provision is made for not filling vacancies as they occur, and a large number of counties which had two judges have been reduced to one judge. That process of reduction is going on with fair rapidity.

Mr. MACLEAN (South York): Could not that process of gradual reduction be accelerated by legislation on the part of the Provincial Government?

Mr. DOHERTY: It is their legislation which has produced that result.

Mr. MACLEAN (South York): It is going very slowly. It needs an accelerator.

Mr. DOHERTY: I would remind my hon. friend that every judge in office is a judge for the rest of his life, and the only way in which the Ontario legislature could speed up the operation of its statute would be to terminate the judges' lives at an earlier date than nature did.

Mr. CROTHERS: The reason given by the minister that under the clause as it now stands some County Court judges would receive a larger salary than others does not seem to have regard to the fact that some County Court judges in Ontario receive more than the ordinary salary.

Mr. DOHERTY: Not from the Dominion.

Mr. CROTHERS: One or two points have been omitted which I think should be mentioned. We have in Ontario something over seventy of these County Court judges.

Mr. DOHERTY: Just seventy now.

Mr. CROTHERS: In many of the counties there are two judges, a senior and a junior; and those of us who come from Ontario know that it is no exaggeration to say that in many of the counties there is not half enough work to keep one judge busy. We have junior judges in Ontario who do not pretend to do anything except for three or four days during each month. Last year their salary was increased by \$1,000; they are with us again this year. Now those judges have other sources of income. There may be a few exceptions, but in the great majority of cases the Government of the province appoints the senior County Court judge also a judge of the Surrogate Court, for which he receives fees to the amount of about \$1,000. I think the Government commuted those fees in some cases a year or two ago. If I remember rightly, the senior County Court judges Surrogate Court fees were fixed at \$1,300, and the juniors' at \$1,000. But let us put those fees at \$1,000; then from other sources I estimate they get \$500, that is, for their work in the selection of jurors, the revision of voters' lists, and hearing appeals under the Ditch and Watercourses Act; so that with their salary of \$4,000 they are in receipt of about \$5,500.

Another point that should be brought to the attention of the committee is that when those judges retire at the age of seventy-five years they receive their full salary during the rest of their lives, even if they have only served five years on the bench. I do not know whether the Minister of Justice