

7. That from and after the first day of July, in the present year, 1883, no travelling or circuit allowances shall be paid to the Judges of the Court of Appeal for Ontario.

Motion agreed to; and the House resolved itself into Committee.

(In the Committee.)

On Resolution 2,

Mr. BLAKE. I am sorry to say that I cannot assent to this view. Of course, it is quite reasonable if Justices of the other courts are appointed Puisné Judges to the Court of Appeal that they should retain their old salaries, and it is not upon that score that I object, but I object to the principle of appointing to the Court of Appeal Judges who have practically served out their term, and who, although not at the moment at which they are appointed incapable of discharging further judicial duties, are approaching a term when their judicial usefulness is likely to be at an end. It is not necessary or fitting that particular instances should be given, but those who have practised in the Courts of Ontario will recollect instances which indicate the unfortunate results of the system which the hon. gentleman proposes to take the opportunity of perpetuating. Of course, there are instances in which the Justices of one or other of the courts may be of an age when it is quite fit to translate them to the Court of Appeal, but if they are, they are not likely to accept that translation to a Puisné Justiceship, for it is only at a period when age and infirmities are creeping on a man that he is likely to be in a condition of mind to accept. The difficulty is this: That instead of retirements and the infusion of fresh blood, which are the best things in the public interest, you have the Judges placed in positions in which they may remain for a long time, though they may not be capable of efficiently discharging their judicial duties. I have for a long time entertained these views, and having acted upon them as far as possible, when I was charged with the duty of dealing with these judicial offices, and having seen the mischief which arises under this system, I felt it my duty, though it is not a pleasant duty, to make these amendments.

Mr. BAKER (Missisquoi). I think it is a matter for regret that the resolutions do not propose a readjustment of the salaries of the Judges of the Superior Courts, residing in the principal cities of the Dominion. Since the adoption of the present scale the cost of living has enormously increased, and the general expansion of values has been such that what may have been at that time fairly adequate remuneration for their services is now manifestly inadequate to maintain these Judges in a position of becoming dignity in large centres of population. In reference to existing salaries it is to be observed that most of the Judges of Ontario receive an annual allowance from the Provincial Treasury, of a thousand dollars per annum, the payment of which in defiance of the letter and spirit of the British North America Act, which declares that the Judges shall be appointed and paid by the Dominion, has been for many years and still remains a standing scandal. The discontinuance of this payment by the Legislature, with regard to recently appointed Judges, is an admission that the payment is illegal, and should never have been made. But the action of the Legislature in authorizing that payment, though illegal, may be accepted as an expression of opinion that the Judges were insufficiently paid. If so, they should be paid more and from legal and constitutional sources. In my opinion, Judges of the same rank, other things being equal, should be paid alike in all parts of the Dominion. I sincerely trust that at the very next Session of Parliament this matter will be taken up, and that the Judges of the Superior Courts of Ontario and Quebec will be put on an equality, and the confessedly illegal payment of the former out of money from the Provincial Treasury

may be discountenanced by Parliament and discontinued by the Province.

Mr. McCARTHY. I have to express my regret that no provision has been made, by the resolutions the hon. First Minister has brought down, for an increase in the salaries of the Judges of the Superior Courts, and perhaps I might go further, and say for an increase in the salaries of the Judges of the County Courts. It is, I think, at all events by the members of the profession, generally felt, in the Province from which I come, that the Judges at present, both of the Superior and the County Courts, are insufficiently paid. It is the fact, however, the cost of living may have increased, that the emoluments of members of the Bar have very considerably increased, and it is, of course, from the leading members of the Bar that appointments must be made to the Bench. Now, if the best material is to be obtained, and I say that the best material ought to be obtained, to take positions on the Bench from time to time, leading members of the profession, in some of the leading Provinces, at any rate, whose incomes amount to perhaps three times as much as is paid to the Judges, will have to abandon these incomes and accept a smaller remuneration. It is, I think, equally plain that the Judges of the land ought to hold a position entitling them to respect, and however improper it may be, it is certainly one of the necessities of life that a man cannot hold that position, if he is out at the elbows, among the men with whom the Judges usually move; they are paid so small a salary in comparison that they practically occupy an inferior position. The managers of our banks, insurance companies, railway companies, and all large financial corporations, who, certainly, are not on the whole abler men, or possess higher attainments than the Judges, yet receive, as I suppose most hon. gentlemen know, twice, thrice, and, in some cases, four times what is paid to the Judges of the Superior Courts. I, therefore, had hoped that the hon. First Minister would have yielded to the pressure which has been brought upon the Government, and which has found vent to some extent in the press, would have brought down a resolution to increase the salaries of the Judges; and I have ventured, no matter how unpopular it may be, to be the mouthpiece here of the feeling which prevails among the members of the profession to which I belong. I will point out to the House that nothing unreasonable has been asked in this direction. If we compare the salaries of the Judges in the different Provinces of the Dominion with those paid to the Judges of other colonies, we shall find that the Judges in Canada receive less than the Judges of any other colony under the British flag that I am aware of. In the Island of Jamaica, for instance, the Chief Justice receives £2,500 sterling, or, in round numbers, \$12,500, while the Puisné Judges are paid \$7,500 each, and the District Court Judge, a gentleman occupying a position similar to that of our County Court Judges, receives \$5,500; in Bermuda, the salary is not quite so large, but still larger in proportion to the salaries of the Judges in this Dominion; in British Guiana, the Judges receive the same salaries as the Judges of Jamaica; in the Cape of Good Hope, the salary is £2,000 sterling, or \$10,000; in New South Wales, a self-governing colony, with a population of 749,000, it is £2,600, or \$13,000; in Queensland the Chief Justice receives £2,500, or \$12,500; and so on. The circumstances may be, and probably are, different in some of these colonies; perhaps a dollar there does not go as far as a dollar here; but wherever we look we find that the Judges are receiving less in proportion to the other members of society in the Dominion than I think is fair or reasonable, or sufficient to enable them to maintain that position of self-respect which they ought to hold in relation to the public at large. What will be the result if matters remain as they are? Why, any vacancies that occur on the Bench will not be filled, as they ought, from the best men in the profession. The Bench will be degraded,