

calculated to induce him to have rules made for increasing the cost of litigation. It is rather *infra dig* for a judge to receive fees for every order he issues.

Mr. EDGAR. I think it would be far better, as far as we can, to fix the salary in this Act of Parliament, because the salaries of the vice-admiralty judges are now fixed by Dominion statute, and I do not see why we should not also fix the salaries of those who take their places.

Sir JOHN THOMPSON. No one has stronger objection than I to the system of paying the judges fees, but that is the present system, and if we take away the fees we must provide for an increase of salary.

Mr. DAVIES (P.E.I.) I think the hon. gentleman is wrong, as under the Act it is only in the case of the abolition of the court that the judges are entitled to compensation. Of course, I am only looking at the legal aspect of the question.

Sir JOHN THOMPSON. I think the spirit of the Act requires that the emoluments should not be reduced, and we should not like to deal otherwise with the judges.

Mr. EDGAR. The fees are abolished by the effect of the Act. The Bill provides that they shall receive such fees as are from time to time prescribed by general rules or orders. Then, under a subsequent section, they have to be made by the Court of Exchequer, and approved by the Governor in Council and transmitted for approval to Her Majesty in Council, so that the whole matter is thrown open, and there can be no better opportunity than the present to fix the salary. Has the Minister of Justice any figures to show the amount of fees received?

Sir JOHN THOMPSON. In Nova Scotia, New Brunswick and Quebec the fees average from \$300 to \$400 a year. In Prince Edward Island they are very small.

Mr. MILLS (Bothwell). It might be more satisfactory that the salary should be increased by the average amount of the fees for the last two or three years, and the fees abolished.

Mr. DAVIES (P.E.I.) I did not wish to be understood as advocating a reduction in the fees; and I agree with my hon. friend that if we take away the fees, we will have to give compensation.

On section 12,

Mr. DAVIES (P.E.I.) Would it not be well to provide that no further suits shall be instituted in respect of the same matter in the principal registry court or any district registry? Supposing a ship was owned in Yarmouth and the ship itself was in Halifax, there might be two suits brought, one against the ship in Halifax and one against the ship's husband or owner in Yarmouth. I think the proviso should be amended.

Sir JOHN THOMPSON. I think the difficulty is met by the power given to the higher court to amalgamate the suits and transfer them to its own registry. If we were to make a prohibition such as that proposed, we might interfere with suits instituted in good faith in another place.

Mr. DAVIES (P.E.I.) You have already provided that, if a suit is instituted in one district, it shall not be instituted in the principal court. Why

Mr. DAVIES (P.E.I.)

should you not make a provision that, if a suit is instituted in one district, it should not be instituted in another district?

Sir JOHN THOMPSON. I agree to that amendment.

On section 11,

Mr. DAVIES (P.E.I.) Would it not be well to give an alternative appeal direct to the Supreme Court if desired?

Mr. EDGAR. There is another appeal to the Privy Council under the Imperial Act.

Mr. SKINNER. It ought to be defined if this appeal to the Exchequer Court is to be to the Exchequer Court of the Dominion, or if it means such an Exchequer Court as we have in New Brunswick.

Sir JOHN THOMPSON. That question is settled by the second section of the Act, which says the Exchequer Court of Canada is the one referred to. This clause may stand.

On section 13,

Mr. DAVIES (P.E.I.) It might be desirable that the fees should be submitted to Parliament for approval.

Mr. EDGAR. Under section 24 of the Imperial Act, the fees have to be submitted to the Governor in Council and the Imperial authority for approval.

Sir JOHN THOMPSON. There is a provision in the present Exchequer Act, that all rules made by that court shall be laid on the Table of the House within a certain number of days after the session, and that will cover this case.

Mr. DAVIES (P.E.I.) I think the 24th section only refers to those rules, which require the approval of Her Majesty in Council.

On sub-section *d*, of section 14,

Sir JOHN THOMPSON. I wish to propose an amendment to section 14 as sub-section 2, to this effect:

That the Governor in Council may, from time to time, change the limits of any admiralty district, create new districts, and assign thereto the names and places of registry.

We want to give new names to the districts as well. At present there is a district for Quebec, and it may be desirable to have a district in Montreal.

Mr. MILLS (Bothwell). That is taking power to alter by Order in Council?

Sir JOHN THOMPSON. Take, for instance, a case in Nova Scotia. At present the Nova Scotia registry is in Halifax, but if it should be necessary to make another admiralty district, it would be desirable that we should give to it the chief registry.

On section 15,

Mr. EDGAR. What is the particular difficulty requiring it to stand in that shape?

Sir JOHN THOMPSON. At present, you will remember, it is a maritime court of Ontario, and we want to change its name and call it the Toronto district, in order that the other districts now presided over by surrogate judges may be constituted apart.

Mr. EDGAR. Does the hon. gentleman know how many surrogate judges have been actually appointed?