

When this additional duty, then light, was first put on the Judges, they were remunerated by fees for the services performed; now though the work has so much increased, this is not the case.

A few years since an Insolvent Debtor or Bankruptcy Act was passed, by which onerous and most responsible duties were cast on the Judges; and while a fair remuneration was, by the Act, provided for the other officers to whom the carrying out of the ministerial duties required by the Act was intrusted, not the slightest compensation was provided for the Judges, upon whom all the real responsibility was thrown. This Act, it is true, is not now in force; but it is mentioned as an illustration, shewing that the Judges are made an exception to the rule, that in the ordinary transactions of life prevails, viz. that increased labor and responsibility ought to be accompanied with increased remuneration; and also, because, by a Bankruptcy Bill before the Legislature at a late Session, it was contemplated to put immense labor on the Judges on the same principle.

The Judges have, however, never shrank from the discharge of the increased labours imposed on them; and they have by extra exertions been enabled to get through the business brought before them at the Terms, in Equity, and at Chambers, and also on Circuit, except in the Counties of Saint John and Kent. These two Counties, in the opinion of the Judges, require additional Circuits, as do probably the Counties of Westmorland and King's, in both of which the business is large, rendering at times, adjourned Courts necessary, or requiring the regular Circuit Court to be continued for periods longer than the Judges think it desirable in country places, where the parties, witnesses, and Jurors, are necessarily brought so much in immediate contact, the Circuits should be protracted at any one sitting, tending, as it necessarily does, more or less to the operation of influences, direct or indirect, on the minds of Jurors and witnesses, from which they should be kept as much as possible free; and likewise inconveniently interfering with the avocations of those in the rural districts, who may be compelled to attend at seasons, and for periods of long duration, when the time is valuable, and often absolutely necessary on their farms.

To meet the requirements of the public business, the Judges propose to alter the practice at Term, and to adopt the course formerly pursued in this Province, and now and always adopted in England, where in each of the Superior Courts there are five Judges, by conducting the general business of the Term by not more than four Judges; thus making the services of a Judge available for circuit duties, who would be unable to attend to that duty if engaged in vacation, in investigating and preparing to decide the cases argued in Term.

There is a question which the Judges feel some delicacy in approaching, but which it is right should be noticed, viz. the emoluments of the Judges. Those of them particularly whose salaries are regulated by the 12 V. c. 76, have for some time past felt, that in view of the increased expenses of living, the additional labor, anxiety, and responsibility cast on them, and in comparison with the incomes of the leading professional men, from which their successors must be sought, they are by no means adequately remunerated by the salary and fees attached to the office. But as they know that the independence of the Judiciary is dear to the people of the Province, they do not desire to put forward a distinct claim for an increase of the present emoluments of their office; preferring that such should be the spontaneous act of the Legislature, should the representatives of the people feel that the finances of the country would warrant it. But there is a matter which they feel no delicacy in mentioning, and that is the travelling fund, which is at present insufficient; and if the additional Circuits are established, will be still more inadequate to meet the actual expenses. The present sum was first fixed by an Act of the Legislature, passed 7th March 1826, (7 G. 4, c. 18,) entitled 'An Act to provide for the expenses of the Judges holding Circuit Courts and Courts of Oyer and Terminer in the Province,' by which, a sum, not exceeding £250 per annum, was granted to the Judges for their Circuit expenses. At the same Session, the Circuits were increased by the division of the County of Northumberland, and the formation therefrom of the Counties of Kent and Gloucester. Since that time Gloucester, Westmorland and Carleton have been divided, (Carleton having been taken from York,) and Restigouche, Albert and Victoria have been established. The difference in the expenses of the Judges in holding the Circuit Courts at the present day, compared with the period when the provision was first made, will be best shewn by