

gation irrévocable de remettre à titre de substitution les biens à des tiers, une substitution ne pouvant être que la condition d'une libéralité et non d'une aliénation onéreuse, (*Beaulieu v. Hayward et Letellier*, oppt., 10 Q. L. R., p. 275;

"Considérant que le défendeur n'a pas établi en preuve qu'il y ait des hypothèques grevant les immeubles vendus, et qu'en conséquence il n'a aucun juste sujet de craindre d'être troublé soit par une action hypothécaire, soit par une action en revendication ;

"Donne acte aux parties de la déclaration du demandeur qu'il a et a toujours été prêt, avant d'exiger du défendeur le paiement d'aucune partie du prix de vente, à lui donner une garantie hypothécaire qu'il ne sera point troublé dans la paisible possession et jouissance de l'immeuble prétendu substitué ;

"Rejette les défenses, et condamne le défendeur à payer au demandeur la susdite somme de \$195, avec intérêt à compter du 6 février dernier (1891), jour de l'assignation, et les dépens, distracts, etc."

A. Pilon, avocat du demandeur.

F. X. Thibault, avocat du défendeur.

(J. J. B.)

JUDICIAL SALARIES.

[Concluded, from p. 336.]

Hon. Mr. Almon—We are all pleased to see the unanimity with which members meet this question of increased remuneration of the judges. One hon. gentleman said that leading members of the bar would not take judgeships, because they were making much larger sums of money by their profession, and could not afford to accept an appointment at \$6,000 or \$8,000 a year. But have hon. gentlemen considered the number of leading members of the bar that have been detained in Parliament for five months for a thousand dollars indemnity? Now, these are the men, as remarked by an hon. gentleman opposite, from whom the judges are appointed. It is not the leading men of the bar that are appointed; they are more likely to be leading politicians. A judge requires to have a knowledge of law, of course, but he will also require to be a leading politician in his party. The principle was exemplified in the time of the Mac-

kenzie Government. I appeal to my hon. colleague from Halifax to say if the three judges appointed at Halifax were not the three *ad hoc* judges who were appointed to decide some election petitions during the time of Mr. Mackenzie? Strange to say, they returned the candidates that supported the Government, and were immediately afterwards appointed to the bench. The hon. gentleman is therefore quite right in saying that judges are as frequently appointed because of their political bias as of their knowledge of legal lore. But why confine increase of salaries to judges? Are medical health officers to continue at the same salaries they are receiving, or are we to make fish of one profession and flesh of the other? Medical men, many of them, live from hand to mouth, and are continually exposing themselves and their families to infection from contagious diseases. I can name three myself who have died from diseases contracted while attending to quarantine duties. What is to become of the medical man who is ordered to board a ship that is infected with cholera, or some other infectious disease, that he is liable to take home with him to his family? I say, let us hear no more of lawyers and judges; let us think of the medical men.

Hon. Mr. Allan—I would like to make one protest against what has been said by two hon. gentlemen, as far as Ontario is concerned. I venture to say that the judges in Ontario have not been appointed for political reasons; and I venture to say that you will find very few judges in Ontario who were known as prominent politicians.

Hon. Mr. Almon—I mentioned the three appointments in Nova Scotia—the *ad hoc* judges at Halifax.

Hon. Mr. Poirier—I am also of the opinion that the judges of the land should be adequately paid. In New Brunswick the judges of the Supreme Court are not sufficiently paid. They draw \$4,000 a year, I believe and the chief justice \$5,000. I would not be opposed to an increase in their salaries, but I believe that the salary attached to the position of County Court judge is totally inadequate. The difference in jurisdiction is not very considerable. In criminal matters it is actually the same, except that the