

and make effective provincial legislation. My hon. friend is entitled to the information, and I will see that it is furnished to him on the second reading of the Bill or when it is in committee. In regard to the general question which has been referred to by hon. gentlemen who have spoken, I am not prepared to make any statement to-day. The subject has not received any consideration, but I appreciate what has been said, and I will see that the attention of the Minister of Justice is directed to it. The situation with regard to the appointment and remuneration of judges is not free from difficulty under our federal system. That difficulty has made itself manifest on many occasions ever since confederation. The provincial legislatures create the judicial positions, and the federal parliament is entrusted with the duty of fixing and providing for the salaries. The result of that is sometimes thought to be that we have too many judges in some of the provinces, and those judges, as a result of that, have not been provided with such salaries as would be necessary for the purpose of securing the best available ability. I am not quite clear how that situation can be improved. So long as this system continues, it is very invidious for the government or the parliament of Canada to sit as a court of appeal from the unanimous vote of a provincial legislature which declares that these judges are necessary. On the other hand, it has been thought on several occasions during the past 25 or 30 years that the number of judges has been increased without due consideration of some of the matters which have been mentioned here to-day. In the meantime, all I can say is that, with the two exceptions I have mentioned, this Bill is designed to supplement legislation which has been passed by the various provinces concerned. Beyond that, I leave the Minister of Justice to make further explanations on the second reading of the Bill or in committee.

Mr. MURPHY. Can the Prime Minister say whether any request has come from Ontario for the appointment of these two judges?

Mr. BORDEN. Yes, a request has come from the government of Ontario, and I think also from the Chief Justice of Ontario.

Mr. PROULX. I do not believe that these two judges for Ontario are needed. The legislation asking for them was passed two years ago, and the late Minister of Justice never saw any need to make the appointments. When hon. gentlemen opposite were in opposition they criticised the late government very severely for appointing judges on commissions, and yet one of

the first things they did after coming into power was to appoint a judge on an important commission, taking him away from his judicial work. If the judges were left to their regular work, I do not think there would be any necessity of appointing two additional high court judges. Since these two new judgeships were created, the jurisdiction of the county court has been largely extended, that was done two years ago, in some cases from \$200 to \$500, and in other cases from \$600 to \$800, thus relieving the high court judges of certain work.

The hon. member for Moosejaw (Mr. Knowles) says that in the west they have not enough judges. I think in Ontario we have too many judges, especially on the county court bench, and the province, in my opinion could easily do away with about a dozen of them. I think there should be a conference between the Minister of Justice and the Attorney General of Ontario with the object of amending the law in order to give the county court judges more work. The province should be divided into seven, eight, or ten districts and the county court judges given power to hear appeals in banc from the county and division courts. This would be a great convenience for the lawyers living outside Toronto. At present the lawyers of Toronto do more than half the legal work of the province which is a great inconvenience and loss to their confrères outside who have to go to Toronto, except in the case of Assize and county court work. All the chamber work done before a High Court judge and the appeals we have to send the work to Toronto and divide the fees with the lawyers there, who sometimes take more than half and often more than the outside lawyers will get from their clients. If the county court judges were to hear appeals, it would cause them to brush up their legal knowledge and be a good thing for them, and relieve the High Court judges of a large amount of work. I would also suggest to the Prime Minister that he amend the Judges Act by obliging the county court judges to live in the county town. At present these judges have to live in the district in which they are appointed, but they do not always obey even that requirement. We have two judges for the county of Prescott and Russell, a junior and senior judge, but neither lives in the county town. The junior judge obeys the law by living in the district, about ten miles from the county town, but the complaint is made by the legal profession that sometimes two or three weeks elapse without their seeing a judge in the county town. In January last division court was to be held there but no judge came; the senior judge was to hold the sittings there but he did not arrive. There is not