

bec—unless he actually resides in the immediate vicinity of Montreal, Quebec, Sherbrooke, or Three Rivers. I think that the same conditions that apply to Sherbrooke and Three Rivers apply to Hull, and I would suggest to the minister that Hull might be included in this list and be given a resident judge.

Mr. DOHERTY: I cannot do that because it will not fit in with the legislation of Quebec. If I said that there should be a judge resident in Hull I would be providing for a judge who is not provided for by provincial legislation. The hon. gentleman must realize that we have to take the courts as they are constituted by the provinces, and we cannot create new conditions as to where men shall reside. That is a matter entirely for the province. Speaking as an individual, I appreciate the motives that inspire the hon. member, and as an individual I should be glad to do whatever I could to dispose the proper authorities to take my hon. friend's point of view. It will not, however, do for me to put in a provision about Hull, because the judge must live where the legislature of his province says he should live. We cannot make him live anywhere else.

Mr. FORTIER: I may say that representations are being made to the Provincial Government with a view to securing an amendment to the present law, and I understand that the matter will be considered at the next session of the provincial legislature. Representations have been made by the bar of our district and by many responsible citizens in order to have the law amended. There are peculiar reasons why there should be a resident judge in Hull. Hull is the third city of Quebec. It is situate some distance from Montreal, and it is not in the interests of the people of Hull, and it certainly does not make for convenience in the despatch of business, to have a judge from some distant point visit the district. If Quebec and Montreal are the great centres of the province of Quebec, I think it will be admitted that Hull is the metropolis of the Ottawa Valley, and as such is entitled to reasonable consideration in this matter. I hope that in the near future the proper authorities will see the wisdom, not to say the justice, of returning to the former condition, and will appoint a judge to be resident in Hull. If the Provincial Government adopts that suggestion, then the Minister of Justice at some future time will be able to amend, in accordance

[Mr. Fortier.]

with that change, the legislation which we are now enacting.

Mr. SINCLAIR (Guysborough): I desire to say but a few words on this resolution. I am not very enthusiastic over these increases. I have no doubt they are all right and necessary, but I regret that the Government have found it advisable to propose them at the present juncture, when it is so difficult for us to square our accounts. However, if there is to be a general increase in the salaries of judges, I would call attention to the County Court judges of my own province. I do not think that the province of Ontario should be taken as a guide in this matter, because it is well known that the proportion of County Court judges in Ontario is greater, according to population, than that of other provinces. In Nova Scotia there are eighteen counties and only seven County Court judges. In that province we have, roughly speaking, a population of half a million, and as a rule the County Court judges are pretty hard worked. The principle that gives an increase to the judge who happens to have a city of forty thousand in his jurisdiction will exclude all the judges in Nova Scotia, except the judge in the city of Halifax.

Mr. DOHERTY: That limitation in regard to population of forty thousand has been struck out, and the resolution as it now stands applies to all County Court judges.

Mr. SINCLAIR: That means, I take it, that the judges of Nova Scotia will get an increase?

Mr. DOHERTY: Yes.

Mr. SINCLAIR: If that is the case I have nothing further to say.

Mr. DOHERTY: I move to amend paragraph 18 by adding the following words:

"Without prejudice to the rights of any judge under the provisions of any provincial statute now in force."

The clause as worded compels the judges in future to perform without remuneration any judicial or executive duties that they may be called upon to perform by the Dominion or the province, but there was no intention to destroy the specific statutory provisions already in force in the provinces, and the words are added to make that intention clear.

Amendment agreed to.

Resolution reported and concurred in.

Rt. Hon. Mr. DOHERTY thereupon moved for leave to introduce Bill No. 218, to amend the Judges' Act.