

of chief justice for the purpose of conference and délibéré as to appeals heard, there shall be paid, for travelling allowances, \$6 for each day's absence from his place of residence, provided that three days' absence at least shall always be allowed.

That to each of the judges of the Superior or Circuit Courts attending as such, at the request in writing of the chief justice or judge discharging the duties of chief justice in the district, any court held at any other place than that at which he is directed to reside, for each day he is absent from the said place of residence, there shall be paid for travelling allowances, six dollars; but no travelling allowances shall be granted to any judge requested to sit in review under the first section of the Act of the Legislature of Quebec, 61 Victoria, chapter 20, unless it is certified by the chief justice or judge discharging the duties of chief justice in the district that the attendance of such judge was necessary by reason of illness, incapacity or absence of one of the judges resident at Montreal or Quebec, as the case may be.

That to the judges of the Supreme Court of the Yukon Territory there shall be paid such travelling allowances as the Governor in Council determines.

That to each judge of a District Court in the province of Ontario there shall be paid, for travelling allowances, an annual sum of \$500.

Motion agreed to, and the House resolved itself into committee.

(In the Committee.)

The SOLICITOR GENERAL. The object of this resolution is to enable us to provide for the appointment of an additional judge to the Court of Appeal for the province of Ontario, and one additional judge to the Superior Court in the province of Quebec, and also to provide for the salary of the judge of the Yukon district. In addition to what I have said, the resolution is to provide for the increase in the salaries of the junior county court judges in the province of Ontario, and also for the increase of the salaries of two county court judges, one at Halifax, N.S., and the other at Charlottetown, P.E.I. The increase so far as the Ontario county court judges are concerned will be to the extent of \$400 per year.

Mr. FOSTER. Making what?

The SOLICITOR GENERAL. \$2,400 in the case of the Ontario junior county court judges, and \$2,800 for the judges at Halifax and Prince Edward Island, and then in the latter case there is \$200 additional for travelling expenses which will make it \$3,000.

Sir CHARLES HIBBERT TUPPER. The resolution says \$3,000 salary, not \$2,800 salary and \$200 travelling expenses?

The SOLICITOR GENERAL. Yes, the intention is to make the salary \$3,000. I thought that would include travelling expenses, but I find in the details of the Bill that it is \$3,000 salary. I might add that

the Bill will also provide for the appointment of an additional judge of the Circuit Court of Montreal, making the number there three judges instead of two.

Sir CHARLES HIBBERT TUPPER. I would like to ask the Solicitor General as to the principle upon which he is proceeding on this resolution as a whole. Some time ago we had a discussion in this House on the anomalous condition of things whereby the local Parliaments created judges and we provided the salaries. In connection with this proposition to increase the number of judges, has the Solicitor General proceeded upon the theory that the local legislatures have created these additional judgeships, it is a perfunctory duty, so to speak, on the part of the Federal Parliament to provide the salaries; or, has the Solicitor General investigated the condition of litigation and the state of the dockets in existing courts so as to reach an opinion that these additional judges are necessary for the proper discharge of judicial business?

The SOLICITOR GENERAL. The administration of justice being a matter for the provinces it is absolutely necessary that due regard should be had to the wishes expressed by the local authorities. At the same time I would not agree to a proposition that this duty is merely perfunctory on our part; that is to say, that the local authorities have the right to create a vacancy, and that it is our duty to fill it. That, in my opinion, would not be a proper manner in which to interpret the conditions as they exist. After the local legislatures have made it known that it would be necessary to appoint an additional judge, I take it that our duty is to make an investigation and to ascertain whether in reality there is such a necessity as would justify us in putting this additional burden upon the shoulders of the federal taxpayers. At the same time I do not think it would be right for us to lightly set aside the expressed wishes of the local legislatures in that respect. Dealing with the appointment of an additional judge to the Court of Appeal in the province of Ontario, I think it will be admitted—and my hon. friends from Ontario will be able to bear me out in this—that it is necessary for the due carrying on of public business in that province we should have an additional judge in the Court of Appeal.

Sir CHARLES HIBBERT TUPPER. That would give five judges to the Court of Appeal of Ontario instead of four?

The SOLICITOR GENERAL. Yes. In so far as the circuit court of Montreal is concerned, it is absolutely necessary that we should have an additional judge there. Now, there are two judges and the roll has become so congested that at the present rate of progress it would take a year to catch up with the current business. It is