

The Legal News.

VOL. VI.

JUNE 2, 1883.

No. 22.

STAMPS ON PROMISSORY NOTES.

Our notes of cases this week contain a decision by Mr. Justice Chagnon in *Filion v. Roy*, in which the learned judge differs from the view taken by Mr. Justice Taschereau in *Dickison v. Normandeau* (*ante*, p. 136). In the latter case it was ruled that the holder of an unstamped promissory note may still make it valid by double stamping where he would have had the right to do so if the Repealing Act had not been passed. The point is evidently not free from difficulty, and the question will probably be discussed before the Court of Appeal. We observe, however, that a case has been brought before the Queen's Bench Division at Toronto, *Coughlin v. Clark*, in which the same point is raised. It is an appeal from the judgment of Wilson, C. J., who tried the case without a jury at Brampton at the last assizes, and gave judgment for the plaintiff for \$630 upon a promissory note. The appeal is taken on the ground that the note was not stamped at its maturity before the repeal of the Stamp Act, and that double stamping after the repeal does not cure the defect. The defendant also sets up the Statute of Frauds as against the plaintiff's right to recover upon the consideration. Judgment has been reserved, but it appears that the opinion of Chief Justice Wilson agrees with that of Mr. Justice Taschereau.

JUDICIAL SALARIES.

The question of re-adjusting the salaries of the Judges of the Superior Courts came before the House of Commons on the 19th May, and the fact seems to have been admitted by the Government that the salaries of those who reside in the large cities are inadequate. Mr. McCarthy pointed out that the Judges in Canada receive less than the Judges of any other colony under the British flag with one or two insignificant exceptions. In Jamaica, for instance, the Chief Justice receives £2,500 sterling, or about \$12,500, while the puisné judges are paid £1,500 sterling each. In the Cape of Good Hope the salary is £2,000 sterling, and in New South

Wales, a colony with a population of 749,000, it is £2,600. The Premier showed a disposition to accede to the wishes of the House, the principal objection being that the smaller provinces would expect a proportionate increase. This will hardly seem a satisfactory reason, to those who are admittedly underpaid, why their claims should be deferred. We append, from the *Commons Debates*, a portion of the observations of the Premier:—

"Sir John A. Macdonald.—I have listened with great interest to the remarks of my brethren of the Bar and members of this House as to the deficiency of the amount of salaries paid to the Judges. Those remarks would have had greater relevancy if there was a proposition before the House to raise the salaries of the Judges, because as such increases come from the public Treasury they require justification as to the reasonableness of the amounts proposed. This, however, is not the object of these resolutions. However, as the matter has been mooted, I will say that a strong feeling exists in the Province of Ontario that the Judges of the Superior Courts are insufficiently paid, and that in the future the present salaries will not command the best talent for the Bench. Hitherto, I believe, they have been sufficient, and I think the present state of the Bench, the standing of the gentlemen composing the Bench, shows that the salaries were, at all events sufficient to induce them at the time to accept office. There is a feeling among the Bench and Bar in Ontario that the incomes of leading counsel have so much increased in consequence of the increased wealth of the country, that the salaries at present paid to the Judges are insufficient to induce leading counsel to retire to the quiet and dignity of the Bench. I believe, also, the same feeling prevailed in the city of Montreal, among the professional and commercial classes there, that the Judges are not sufficiently remunerated to secure the best talent for the Bench. I do not hear the same complaint from other parts of the Dominion, except to-day, when it was mentioned by hon. members from the Province of Prince Edward Island. The difficulty the Government have in dealing with this question is, that the moment they deal with the salaries of the Judges in any one Province, there arises a corresponding demand, although the same necessity may not exist, from all the other Provinces. This is