

his judgment and faculties, and who from age is not so rigorous and active a Judge in the courts of first instance as to go on Circuit, which is the fatiguing operation, and to stand the every day worry of a Justice in first instance, but who may have within their judgment sufficient vigor and health to give a sufficient portion of his time to act as an efficient Judge of the Court of Appeal. We all know that this is the practice in England, where retired Judges are taken and made members of the Judicial Committee of the Privy Council; and where retired Judges from India are made members of that Committee. Some of the best Judges we have had in the Judicial Committee have been retired Judges, such as Sir James Caldwell, and Sir Barnes Peacock. Innumerable others have been transferred, in the full plenitude of their judgment, though not of physical strength, to the Court of Appeal, which should be simply a Court of Appeal in my opinion. There they are not subject to be pressed continually, and are not obliged to decide on motions summarily, nor to undergo the continual worry of long and fatiguing jury trials, &c., but to hear arguments in matters of appeal. They have plenty of time to form their judgments on these matters in appeal, and bring to the Bench all their matured judgment for that purpose. At the same time I readily agree with the hon. gentleman, that there may be cases where an inefficient Judge is transferred from one court to another. The worst that could happen in such a case would be that an inefficient Judge would be put into court, while his place would be supplied, I suppose, by an efficient Judge as Chief Justice or Chancellor; but the responsibility of the Government of the day would be very great if they transplanted an inefficient and worn out Judge from one court to the other, when he should be pressed, if he should be worn out, to accept a superannuation. I move the adoption of the second resolution.

Mr. WOODWORTH. I was very glad to hear the right hon. the First Minister say that the Government intended, at another Session, to bring down a Bill for equalization, as I understood him, of the salaries of the Judges.

Sir JOHN A. MACDONALD. Not the equalization, but the readjustment.

Mr. WOODWORTH. I trust that it will tend towards equalization as far as the Province of Nova Scotia is concerned.

Mr. BLAKE. Readjustment means increase.

Mr. WOODWORTH. Well, I am satisfied. I know the mind of legal profession who come here from Nova Scotia, of the members who represent the different constituencies from there, who are members of the legal profession. One of them happens to be in the Chair as Chairman of this Committee (Mr. Richey); the other member for Halifax (Mr. Daley) is troubled with a very bad cold, so that he cannot raise his voice at all, and my hon. friend from Cape Breton seems to be out of the House at the moment. However, I am sure that I am expressing their views, which I know very well, when I say that there are no Judges in the Dominion of Canada that are harder worked, and who have harder work, than the Judges of the Supreme Court of Nova Scotia. They are obliged to live in the city of Halifax by law, and everybody knows, who has lived in the city of Halifax, and who has been there for any length of time, that there is no city, perhaps, in the Dominion where the cost of living is greater—or, perhaps, as great. It is a naval station, and as such a great many visitors from the Old World come there; a large number of Her Majesty's ships lie there for the most of the year, and entertainment has to be given by the Judges to the notable persons who come there from abroad. When the cost of living is taken into consideration, and they have to keep up the dignity of their office, they had better stay

at the Bar, and practice at the Bar, than take seats on the Bench. The late Minister of Justice, then the hon. James McDonald, now the Chief Justice of the Province, I think got a salary as Minister of Justice, of \$7,000. He was placed in the position of Chief Justice, and has a salary of \$5,000; and yet he has more to do to keep up the position of his office now, than he had when he was in Ottawa, and Minister of Justice. This is really an injustice to the late hon. Minister of Justice, to place him in that position. The Judges are at work constantly, on Circuit or *in Banc* at Halifax, and yet the salaries of their respective offices are not at all sufficient to keep up the dignity of their positions. I am quite sure that the members of the legal profession, on both sides of the House, and the laymen, are as much interested as the members of the legal profession in seeing the dignity of this office kept up—

Mr. McCARTHY. Hear, hear.

Mr. WOODWORTH. And wish that these men should not get the starvation salaries which they are now receiving. I have heard it said—but I do not believe it can be seriously said—that because the profession in Ontario is more lucrative than it is in Nova Scotia, that, therefore, the Judges, who are made out of this profession, and elevated from the profession of law, should not receive equal salaries where the grade of office is the same. I do not think that there is any force in that argument at all. They have to go to the same fountains for their law. They have to make the same searches to base their legal opinions upon. They have to go back to the same sources of information that any barrister or any lawyer in Ontario would have to do, except as concerns the Statutes of the different Provinces, which, of course, are different; but I am now speaking of the principles of common law and of precedents. They have to go back to the same authorities, and it might just as well be urged that their salaries should be less than the salaries of corresponding Judges in Ontario, or of any other profession in the Dominion, as to say that because the profession is not as lucrative there, that there is not as much gained from it, or of income from it, as to say that a Minister from Nova Scotia should not receive the same salary as the other Ministers. But we all know that no matter from what Province the Minister comes he receives the same salary as the others, excepting, of course, the Prime Minister. If the argument were true it follows that a Minister from Nova Scotia or Prince Edward Island, or Manitoba, or British Columbia, would have to take a lower salary, give fewer dinners, live at home and bring his lunch here, or take his tea at a second-rate boarding house. I am reminded by one of the ablest members of this House, and a former Minister, that we have as good material in the Lower Provinces as elsewhere—perhaps better, though the hon. gentleman's modesty did not allow him to say so. I am sure the leader of the Opposition, who is known to be at the head of the Bar of his own Province—and justly so from his eminent ability and high legal attainments—will not refuse to equalize the salaries, as I understand that is to be the result of the consultation between the hon. First Minister and himself. I am sure that from his *esprit de corps* he would not favor giving a brother member of the profession who might be elevated to a Judgeship, a starvation salary, while his brother Judges are placed at a higher figure.

Mr. BLAKE. Both inside and outside of this House, I have always advocated the principle which has been supported by the hon. member for Queen's county (Mr. Woodworth), that we owe it to the country and to the highest interests of the State to have the salaries of the Judges at such a point as will secure men in the first rank of the Bar—I do not say the very first men, because you cannot always get the first men at any salary—but men in the first rank. I do not advocate the equalization because circum-