

2. That the following be the salaries of the following County Court Judges, viz:—

To the Judges of the County Court of the County of York, Ontario; of District No. 1, Nova Scotia, and of the County of St. John, New Brunswick, each per year..... \$3,000

To the Judge of the County Court of each County, Union of Counties or District in Ontario, of which the population exceeds 50,000, \$2,000 per year, for the first three years; \$2,400 per year, for the second three years, and \$3,000 per year thereafter. The period of service of a Judge now in office to be counted, but the increase of salary not to take effect retrospectively.

To each Junior Judge of a County Court, \$2,000 per year, for the first three years, and \$2,400 per year thereafter. The period of service of a Junior Judge now in office to be counted, but the increase of salary not to take effect retrospectively.

3. That an additional sum not exceeding \$100 per year, be allowed to such Judges and Junior Judges of County Courts in Ontario, Nova Scotia, New Brunswick and Prince Edward Island, as may be fixed by the Governor in Council, reference being had to the time occupied in travelling and the distance travelled.—(Mr. McDonald, Pictou.)

read.

Mr. McDONALD (Pictou). Mr. Speaker, the notice which has been for some time on the paper, embraces provisions for increasing the salaries of the Supreme Court Judges of Prince Edward Island, and also the salaries of certain Judges of County Courts throughout the Dominion. The publication of the notice following its introduction into this House has enabled me to obtain a large amount of information, with respect to the position of those gentlemen who occupy so important a position in the judicial system of our country, both from members of this House and occupants of the Bench. I have received various communications affecting in a greater or less degree the distribution and nature of the distributions which is proposed by these resolutions. The result of that information thus acquired has been to impress the Government with the fact that the wisest course will be, in view of the fact that the census of the Dominion is about to be taken during the coming summer, and before next Session, and of the necessity of arranging with the greatest care the mode in which the admitted desirability of supplementing the salaries of these gentlemen should be met, not to press upon the House during this Session any of the resolutions of which I have given notice, with the exception of the first. Therefore, I will confine my attention to submitting to the House the first resolution which explains itself, viz: That the salaries of the Chief Justice and Puisne Judges of the Supreme Court of Prince Edward Island, be as follows: The Chief Justice per year, \$4,000; two Puisne Judges each per year, \$3,200. I need not recall to the House the fact that Prince Edward Island was admitted into Union with the other Provinces in 1873. At that period she possessed the same judicial system, the same amount of judicial strength that the Province now possesses, viz: three Judges, one the Chief Justice and two Puisne Judges of the Supreme Court, as it is called in that Province, one of them being also Master of the Rolls and the other Vice-Chancellor. In addition to those, there were at the time of Union three County Court Judges, making altogether six Judges, which is still the judicate strength.

Sir ALBERT J. SMITH. There were no County Courts at the time of Union.

Mr. McDONALD. Yes; there were. We have established no County Courts since Union. At the admission of the Island, the salaries of the County Court Judges were \$3,000, and subsequently we put them on a parallel with the County Court Judges in other Provinces, and placed their salaries at \$2,600. All the Judges of the Supreme Court in the other Provinces have had their salaries increased since the Union. The Judges of Nova Scotia and New Brunswick have had their salaries increased—not to an equality with the salaries of the Judges in the larger Provinces, but *pro rata*, so as to bring them to a comparative equality—not such as we

ought to be satisfied with in the Lower Provinces; but still their position and condition was recognized, and an increase was given which made their position, comparatively with the population, and, perhaps, comparatively with their political influence, fairly consistent with the dignity of their several Provinces and with the dignity of the position which they occupied. At the present moment, therefore, with the exception of Prince Edward Island, the Judges of the higher courts are paid in this proportion: in Ontario, the Chief Justice is paid \$6,000, and the Puisne Judges \$5,000 each, with this very notable and important addition, that the Province of Ontario, under the name of salary for the performance of duties which I think are performed only, or principally, in the imagination, pays its Judges \$1,000 each. So, in Ontario, the Chiefs of the several Courts receive \$7,000 a year, and the Puisnes \$6,000. In Quebec, the Judges do not stand quite so well, because that Province does not pay them anything out of the Provincial funds, and therefore the Chiefs get \$6,000 a year and the Puisnes \$5,000. In all the other Provinces, with the exception of Prince Edward Island, the rates are the same. In Manitoba and British Columbia, Nova Scotia and New Brunswick the Chiefs are paid \$5,000 a year, and the Puisnes \$4,000, while up to this time, in Prince Edward Island, where the Court is of equal dignity and importance in regard to the functions which it performs, and the jurisdiction conferred upon it, and where the only possible difference is the difference of population and the difference in the size of the territory over which their jurisdiction extends, the salary of the Chief Justice is only \$3,000, or \$1,000 less than the Puisnes receive in the other Provinces, and the salary of the Puisnes in Prince Edward Island is only \$2,500, or only \$100 more than the pay of the County Judges in the same Province. I think that every gentleman in the House, however strong his views with reference to economy, will feel that that is a comparison that cannot bear argument. In the first place, with reference, merely, to the social position these gentlemen occupy, and to the changed condition of affairs and the cost of living since Confederation, independent, entirely, of the rank and dignity they occupy as Judges of the Supreme Court in their Province, I think their position is entitled to consideration, and I, therefore, propose not to equalize their salaries with the salaries of the Judges of the other Provinces—though I frankly admit, speaking for myself, that I can find no reason why those Judges of Prince Edward Island should not occupy, in respect of salary, as they do in respect of jurisdiction and dignity, so far as their Court is concerned, the same position as their fellow-Judges in the other Provinces—though I do not propose now to act upon that view—that the Chief Justice in Prince Edward Island shall have \$4,000 a year, instead of \$3,000, and the Puisne Judges \$3,200, instead of \$2,500.

Mr. BLAKE. The hon. gentleman in making an allusion to the position of the several Judges, I think might have added, with reference to which I quite agree with him, is an objectionable provincial payment in Ontario, that the Legislature of that Province has resolved, by a decisive majority, that that payment shall not continue beyond the tenure of office of any Judge who now receives it; so that is not to be regarded as a permanent payment, as I am glad to know. With regard to the present resolution, I cannot myself agree with the personal view of my hon. friend (Mr. McDonald) who, perhaps, may have spoken more as a prospective Chief Justice of Nova Scotia than an hon. member of this House; for he said he could see no reason why there should not be an absolute equality in the salaries of all the Chief Justices and Judges. But I have always agreed that those salaries ought to be suitable to the dignity and position of the offices, having regard to the cost of living and the emolument of the Bar in the Province in which the judgeship was.