

Judges there were not sufficient to secure the best legal talent. We constantly hear complaints of the unsatisfactory character of trials there, arising, in a great measure, from the want of impartiality on the part of the Judges; and the statement is constantly heard that the usual course for a leading railway or business man to adopt is to begin by buying a Judge. I think it is essential that our Judges should be placed in a position where not only they cannot be bought—which, thank God, is the case in the whole of this Dominion—but where there cannot be suggested the probability of their being bought. Until adequate and sufficient salaries are paid to the Judges of this country to obtain the very best talent, which the present salaries are not sufficient to procure, we cannot expect to have the Bench filled with the best men in the profession, who are willing to accept that position. It will necessarily result in this: That vacancies must hereafter be filled either by the old men, who are willing to be placed in comparative retirement at a period of life when they have ceased to be thoroughly qualified to perform the duties of Judges; or vacancies must be filled by young men without experience, and who have not attained such a professional position as would enable them to make the ordinary average income of leading members of the Bar. With the remarks of the hon. member for North Simcoe (Mr. McCarthy) as to Judges salaries in Ontario, I entirely concur; and I agree with him in the expression of regret that the leader of the House has not felt himself able, on the present occasion, to come forward with a measure that will meet the undoubted desire which exists, I think, not only in the profession, but among the public at large, that the salaries of the Judges should be increased. As I said at the outset, I would have been glad to have heard something said by the laymen of the House, because, so far as I know public opinion, there is a desire even in the country districts, to have the salaries of the Superior Court Judges in Ontario increased. I have no doubt the same feeling prevails in other Provinces. I am aware from many communications with gentlemen in Montreal, that it certainly exists there, and the general opinion among the commercial and business classes, is that the Judges in that city are not adequately remunerated. I will be glad to hear laymen speak on the subject, because, as a matter of course, a personal motive will be assigned to professional men, and whether they are open to the charge or not, they will be subjected to it, that they are advocating an increase in the salaries, because they think at some future day they may possibly occupy Judges positions themselves. There are no doubt some of us about whom such remarks will be made; but the hon. member for North Simcoe (Mr. McCarthy) is far beyond any temptation to accept a Judgeship, at all events at the salaries paid them at present.

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 either 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

Mr. CAMERON (Victoria).

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 the difficulty which the Government felt, and this together with other circumstances of a temporary nature, with which I need not trouble the Committee, prevented the Government coming down with any measure during the present Session. They must carefully consider not only the position of the Bench in Ontario and the district of Montreal, but the position of the Bench in all the Provinces, and reasonable requirements; and this forces the Government, whenever it deals with this question, to consider the whole question as affecting the Bench of the various Provinces. With reference to the Province of Ontario, a similar demand is made for the increase of the salaries of the County Judges, who are very numerous. That also will be taken into consideration. In answer to the suggestions of my hon. friend from North Simcoe (Mr. McCarthy) I will say that the Government intend to address themselves during Recess with the view of studying the pressure and the reasons of the pressure that exists in the Province of Ontario and Montreal, that is brought to bear on the Government in this relation, and will come down with some general scheme at the next Session. I will, however, say one thing more: That I think the Prince Edward Island Judges ought not to complain so very much, because it was not so very long since it came into the Union, and I think that the salary of the Chief Justice before it came into the Union was £100 sterling.

Mr. DAVIES. It was £600.

Sir JOHN A. MACDONALD. No. £400 currency; and it was raised to \$3,000, which is a very considerable advance within ten years. The Government will, as I have already said, be ready to consider the matter, and are prepared to consider the matter. My hon. friend and colleague the hon. Minister of Justice has directed special attention to that subject for some time, but has not been really able yet to work out a scheme which he could submit to Parliament. However, if he is spared, and the Government lasts until next Session, we will be prepared to submit a measure on this question for the consideration of the House.

Mr. BRECKEN. Will the right hon. gentleman allow me one moment. I think that, as the law now stands, there is no provision for the superannuation of our Judges.

Mr. BLAKE. It is provided for in this clause.

Sir JOHN A. MACDONALD. With respect to the remarks of my hon. friend opposite regarding the appointment of Chief Justice to the Court of Appeal. Of course at times the Chief Justice or the Chancellor, or the head of the court, may linger too long, the veteran may linger superfluous on the stage; but if that happens it is known, and no Government would transfer a Chief Justice because he was worn out, the head of one court, and put him into the other court, when it was no advantage to him in point of salary, and would be an injustice in the public interests. This resolution provides for the contingency of a retired Judge, evidently and obviously in full possession of