

ties than that of a county court judge, conflicts with his regular duties it would be better for the Government to pay him a sufficient sum to confine his attention to the county court work. I regret that the Hon. Minister of Justice does not see his way to doing anything of that kind at present. The Treasury is overflowing to an extent never known before, and this is a most opportune time to give hard working and valuable officers, like these county court judges, such salaries as will enable them to devote all their time and energies to the discharge of their duties, and to live in a way becoming such important functionaries.

HON. MR. DICKEY—I am very glad that the suggestion which was made by the hon. gentleman below me as to the mode of conducting these enquiries has been accepted so freely by the leader of the Government in this House. I have a very strong opinion, and I hope he will concur in that opinion, that it is very undesirable that a judge of the county court should be removed by any lower functionary than a judge of the Supreme Court.

HON. MR. SCOTT—I do not desire to be misunderstood with reference to the tenth clause. I do not think it would be wise for the Government to tie itself up to the necessity of a population of 10,000 before appointing a junior judge. I have in my mind's eye several counties in Ontario where the population is under 70,000, and where it would be impossible for one judge to discharge all the duties. Where a county extends over a large area there might be a population of only 60,000, and yet it would be impossible for one judge to discharge all the duties, especially if it was a commercial county. There is always more litigation in a county where you have a number of towns and villages, and therefore, I think the limitation as to population is too high. My impression is that the general rule that has been kept in view by former Governments has been, that there should be at least a population of 50,000 to 60,000 to warrant the appointment of a junior judge. There are some counties where the area is large, in which there is but one judge. There are other counties where the area is not so large, but where the population is larger,

and where there is a junior judge. I think 70,000 is too high a standard, so far as population is concerned. If you are to name a limit at all, I think it should be lower than that. At all events it would be putting on record that in a considerable number of cases the junior judge was a supernumery. There are eight or ten cases in Ontario where there are junior judges, where the population does not reach 70,000, and this would be practically our opinion, that the appointing of junior judges in the past in unions of counties where the population was less than 70,000, was an improper exercise of the appointing power. The Governor-in-Council should decide when the time has arrived for the appointment of a second judge in a county or union of counties. My idea is, that the limit is high and that it should be made lower or left as it is. Unless there is ample business for two Judges, a junior judge should not be appointed

HON. SIR ALEX. CAMPBELL—I should like to add, with reference to that point, that a paper of much interest was submitted to me after this clause was prepared, which contained the views of one of the most eminent men who have held the office which I now fill—Mr. Blake—who was considering this point and who suggested with reference to the question which occurred to the mind of the hon. Senator from Halifax, and which was also alluded to by my hon. friend opposite—the effect of a certain kind of population on the business of a court. Mr. Blake was of opinion, and goes at length into the subject in this paper, that the population in towns should be counted as two against the rural population in estimating the business of any locality. It is discussed at considerable length in this paper which Mr. Blake very kindly furnished my predecessor in the office, and I feel very much inclined to defer to that view. That would restrict the appointment to a certain population. Various reports have been made by judges pointing out the difficulties in their several counties such as have been referred to by the hon. Senator from Quinte, which rendered it inexpedient to lay down a hard and fast rule as to population. The matter, I think, must be left to the responsibility of those who are Ministers of the Crown at the time.