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No. 150.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting the judges of Provincial Courts.

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First reading, May 26th, 1898.

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting the judges of Provincial Courts,

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

**1.** Subsection 1 of section 2 of the *Act respecting the Judges of the Provincial Courts*, chapter 138 of the Revised Statutes, is hereby repealed and the following is substituted therefor :—

R. S. C. c. 138, s. 2 amended.

**“2.** Every judge of a county court in any of the provinces of Canada shall, subject to the provisions of this Act, hold office during good behaviour and his residence within the county or union of counties for which the court is established : Provided that no person shall hold or retain office as such judge after he has completed the seventy-fifth year of his age.”

Terms of office of county court judge.

**2.** The subsection so substituted shall apply as well to judges now holding office as to judges to be hereafter appointed.

Application of this section.

**3.** This section shall come into force on the first day of October, one thousand eight hundred and ninety-eight.

Coming into force.

**2.** Section 3 of the said Act is hereby amended by striking out the fourth line thereof and substituting the following therefor :—

Section 3 amended.

**“Four Justices of Appeal, each.....\$5,000 per annum.”**

**3.** Section 4 of the said Act, as amended by chapter 15 of the statutes of 1887, by section 1 of chapter 39 of the statutes of 1889, and by section 1 of chapter 56 of the statutes of 1894, is hereby repealed and the following is substituted therefor :—

New section 4.

**“4.** The salaries of the judges of the Court of Queen’s Bench and of the Superior Court, in the Province of Quebec, shall be as follows :—

Salaries of judges of Queen’s Bench and Superior Court, Quebec.

The Chief Justice of the Queen’s Bench... \$6,000 per annum.

Five puisné judges of the said court, each.. 5,000 “

**30** The Chief Justice of the Superior Court... 6,000 “

Fourteen puisné judges of the said court, whose residences are fixed at Montreal or Quebec (including the judge to whom the district of Terrebonne is assigned), each... 5,000 “

**35** Fourteen puisné judges of the said court, whose residences are fixed within districts other than Bonaventure and Gaspé or Saguenay, each..... 4,000 “

**40** Two puisné judges of the said court, whose residences are fixed within the districts of Bonaventure and Gaspé or Saguenay, each..... 3,500 “

If the Chief Justice of the Superior Court resides at Quebec, the judge residing at Montreal who is appointed by the Governor in Council to perform the duties of chief justice in the district of Montreal as it is comprised and defined for the Court of Review,—or, if the chief justice resides at Montreal, the judge residing at Quebec who is appointed by the Governor in Council to perform the duties of chief justice in the district of Quebec as it is comprised and defined for the Court of Review,—in addition to his other salary. \$1,000 per annum.

New section 10A.

4. Section 10A, added to the said Act by section 1 of chapter 38 of the statutes of 1895, is hereby repealed and the following is substituted therefor :—

Salaries of judges of Montreal Circuit Court.

“10A The salaries of the judges of the Circuit Court of the district of Montreal shall be as follows :—  
“Three judges of the said court, each. . \$3,000 per annum.”

Section 10b added

5. The said Act is further amended by inserting the following section immediately after section 10A :—

Judge of Yukon Territory.

“10B. The salary of the judge of the Supreme Court of the Yukon Territory shall be \$4,000 per annum.”

Section 11 amended.

6. The paragraph relating to Ontario of section 11 of the said Act is hereby amended by striking out the third, fourth, fifth and sixth lines thereof and substituting the following :—

Salaries of judges of County Courts Ontario. Nova Scotia.

“The judges and junior judges of the county courts, each \$2,000 per annum during the first three years of service, and after three years of service, each \$2,400 per annum.”

2. The paragraph of the said section relating to Nova Scotia is hereby amended by substituting the figures “\$3,000” for “\$2,400” in the second line thereof.

Prince Edward Island.

3. The paragraph of the said section relating to Prince Edward Island is hereby repealed and the following is substituted therefor : “The judge of the county court of Queen’s County, \$3,000 per annum ; two other county court judges, each \$2,000 per annum, during their first three years of service, and after three years of service, each \$2,400 per annum.”

Coming into force of this section.

4. This section shall not come into effect until the first day of July, one thousand eight hundred and ninety-eight.

Section 11 further amended.

7. The paragraph relating to Manitoba of the said section 11, as enacted by section 1 of chapter 33 of the statutes of 1897, is hereby repealed and the following is substituted therefor :—

County court judges, Manitoba.

“Six county court judges, each \$2,000 per annum during the first three years of service, and after three years of service, each \$2,400 per annum.”

Retroaction.

2. The said paragraph hereby substituted shall be construed as if it had originally been enacted by the said chapter 33 of the statutes of 1897, instead of the paragraph hereby repealed.

Section 13 amended.

8. Section 13 of the said Act is hereby amended by inserting the following paragraph between the twelfth and thirteenth lines :—

“To each of the judges of the Court of Queen’s Bench, for attending the Court of Queen’s Bench (appeal side or criminal side) for a part only of a term, or for the purpose of disposing of cases already heard, or for attendance for the performance of any other judicial duty, or attending at Montreal or Quebec, at the written request of the Chief Justice or judge performing the duties of Chief Justice, for the purpose of conference and *délibéré* as to appeals heard, six dollars for each day’s absence from his place of residence, provided that three days’ absence at least shall always be allowed.”

Travelling allowances, Court of Queen’s Bench, Quebec.

9. The sixteenth, seventeenth, eighteenth and nineteenth lines of the said section 13 are hereby repealed, and in lieu thereof it is hereby enacted that to each of the judges of the Superior or Circuit Courts of the Province of Quebec attending as such, at the request in writing of the Chief Justice or judge discharging the duties of Chief Justice in the district, any court held at any other place than that at which he resides, for each day he is absent from such place of residence there shall be paid, for travelling allowances, six dollars; but no travelling allowance shall be granted to any judge requested to sit in review under section 1 of chapter 20 of the statutes of 1898 of the Legislature of Quebec, unless it is certified by the Chief Justice or judge discharging the duties of Chief Justice in the district, that the attendance of such judge was necessary by reason of the illness, incapacity or absence of one of the judges resident at Montreal or Quebec, as the case may be.

Section 13 further amended.

Travelling allowances Superior and Circuit Courts, Quebec.

10. The said section 13 is hereby further amended by inserting immediately after the paragraph making provision for the travelling allowances of the judges of the Supreme Court of the North-West Territories, the following paragraphs:—

Section 13 further amended.

“In the Yukon Territory,—  
 “To the judges of the Supreme Court, such travelling allowances as the Governor in Council determines ;  
 “In the Province of Ontario,—  
 “To each judge of a District Court, an annual sum of five hundred dollars.”

Travelling allowances, judges of Yukon Territory and of district Courts, Ontario.