

he ought not to be surrendered" shall be struck out of the Act of 1877. In other respects the Act was to remain without changes.

Mr. BLAKE. I do not rise to object to the second reading of the Bill, because I think, under the circumstances in which the Government are placed, it is desirable to yield to the wishes of Her Majesty's Government, and that the Extradition Act shall be amended in that particular. But it has not been observed that the design and scope of the Act was to place the Minister of Justice in a position as nearly as possible the same as Her Majesty's Secretary of State in regard to the English Act. Important steps may be taken with or without the warrant of the Secretary of State. Under our system they are to be taken without any warrant of the Minister of Justice.

Bill read the second time, considered in Committee, reported, and read the third time and passed.

#### SALARIES OF JUDGES.

Sir LEONARD TILLEY moved that the House resolve itself into Committee to consider certain proposed resolutions on the subject of the salaries of Judges.

Mr. BLAKE. I understood some papers were to be brought down to the House.

Sir LEONARD TILLEY. A communication signed by all the members of the Bar, except Mr. Wedderburn, the present Secretary, was addressed to the leader of the Government, asking that Mr. Wedderburn be appointed County Court Judge. It was placed in an envelope addressed to the hon. First Minister, but it cannot be found.

Mr. KAULBACH. Mr. Speaker, I have no intention of occupying the valuable time of this House with any lengthened remarks upon this question, but I think, in my humble opinion, it is due from every member of this House that he should, in the interest of this Dominion—comparatively as yet in its infancy, and with a limited exchequer—give a frank, free, and unbiassed expression of opinion with regard to this branch of the public service. I have no hesitation in stating that this branch of the administration of justice is a most extravagant piece of machinery, some parts of it utterly useless, and the outlay or cost very largely in excess of the exigencies of the country. The Supreme Court of Appeal, and the County Courts, a sort of luxury to some, is unquestionably what we can very well dispense with and save so much to the country. I can arrive at this conclusion, more particularly, when I consider that previous to the creation of these Courts, under the practical working of the Court of Queen's Bench—better known in the Province to which I belong, as the Supreme Court, no discontent nor dissatisfaction was expressed by the people—the ends of justice were fully met, and suitors well satisfied. Establishing the County Courts literally means relieving the Supreme Court of the major portion of its work, giving the Judges of the latter heavy salaries with comparatively little or nothing to do; worse still, taking the petty or minor cases from the Magistrates' Courts where they could be disposed of at a trifling expense, and running poor suitors into said County Courts to be subject to the costs, in some cases of hundreds of dollars, and often in fact to the sacrifice of all they are worth, is a state of things greatly to be deplored. We are expending a large amount of money, as I conceive unnecessarily every year, in this service, and I certainly do think that it should be the desire—nay, it is the duty of every member of this House—to promote a spirit of economy in this branch, and curtail an outlay exhibiting such immense proportions and such a degree of extravagance. The Supreme Court of Appeal, I don't scruple to state, is most unpopular, and was established by the Mackenzie Government without ask-

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ing the people—by your leave, and without any public opinion having been given in its favor. The lay portion of this Dominion are opposed to a multiplicity of tribunals when they consider that the administration of justice can be so well rendered within a narrower compass, the machinery lessened, the cost reduced, and thus necessarily become less complicated, at least it is manifestly the case in the Province to which I belong. There was no necessity for the creation of the Supreme Court of Appeal, as the Federal Act of 1867 does not require it—it simply says: "Canada might," mark you it says "might, notwithstanding this Act, from time to time provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada." I contend that it would have been quite time enough for the late Government to have created this costly and useless appendage when the country expressed themselves in favor of it. Nothing would afford me greater pleasure now than to see both the Supreme Court of Appeal and the County Courts abolished, and the work performed by the Supreme Court, or Court of Queen's Bench, of the respective Provinces, and the Chief Justices of the respective Provinces to meet as often as required, as a body, and substitute the present Court of Appeal, clothed with the same functions as the present Court of Appeal, for the purpose of hearing and determining all important questions, whether constitutional or otherwise, that may be brought before them, from which appeal can be had, if suitors are not satisfied, on reference to the Judicial Committee of the Privy Council in England, which costs this country nothing. All petty and minor cases could be disposed of in the Magistrates or Stipendiary Court, by giving it extended jurisdiction. The amount the Judiciary system cost Canada, for the year ending the 30th of June last, was \$583,957.46, and for Nova Scotia, \$52,694.55 which I feel satisfied could have been applied better to other purposes. I certainly do hope that this House will look favorably upon the views I have just expressed, and arrange to abolish both these Courts, more particularly the latter, which I have no hesitation in stating is a snare and a deception to the country, and a means in the hands of many unscrupulous and merciless attorneys to bring a poor man to ruin. Now, Mr. Speaker, a word as to salaries. I have been curious to know, for some time past, why it is that the salaries of Government officials in the various branches of the public service throughout this Dominion, have been, and still are, so unfairly distributed among employees; and if I am not out of place at present, in making the enquiry of this House, I would desire an answer. It would appear from the public reports that from the Judges down to the lowest employee, those of Nova Scotia are more poorly paid than their brethren of the same class in Ontario and Quebec. That a difference of this kind should exist and without any cause, so far as I am aware of, being assigned, is what I cannot understand. It cannot be that the labor is less arduous in Nova Scotia than in Ontario; on the contrary, it can be shown that in Nova Scotia it is considerably greater. I will instance the Customs Branch, where it will be generally admitted, and which can be shown by the reports, that whilst the officials of Ontario and Quebec are only employed in summer, and can, in consequence of their navigable waters being closed for at least five months of the year, enjoy ease and repose beside their comfortable firesides with their families, with comparatively nothing to do; the officials in the Maritime Provinces have to endure the rigour and exposure of the bleak searching winds of the Atlantic without any respite whatever. A still stronger reasoning can be offered as respects light keepers who are subjected to greater exposure during the inclement season of winter, being placed in the most exposed positions of the coast, and yet

the officials of Ontario receive larger salaries per annum, than those of the Maritime Provinces. I can multiply instances and show that the principle is wrong. I repeat again that the highest salaries are paid in Ontario and they decrease as they approach Nova Scotia. As it is not the over-excess of work in Ontario, as I have clearly shown; and it certainly is not from incapacity or lack of ability, intellectually or physically on the part of Nova Scotians, to perform the work; nor that the officials in Ontario are so much superior; for if the latter were set up as a reason I would have no difficult task to prove to the contrary, as we see Nova Scotians taking the foremost rank in nearly every position in the Dominion, and in many instances outside of it,—then, I ask, why not have the employees in the Maritime Provinces placed on a par with their neighbors in the Upper Provinces, and thus avoid the unjust discrimination that has hitherto offered? I observed by one of the city papers some few days ago the unequal distribution of salaries to the messengers of this House compared with those on the Senate side, and from what I can gather am of opinion that it is not without just cause. The messengers of this House are on duty every day from 8.30 a.m., till very late at night, and at times till day dawn in the morning, whereas their neighbors are often free at an early hour in the evening, and notwithstanding this difference, the messengers on the Senate side receive \$50 more per Session than on this side. These grievances have not only existed since the present Government came into power, but long previous, and have been suffered to exist ever since. I am a friend of the employee, and ask for tribute to whom tribute is due, believing it to be but just and right, and hope that the Government will take such steps as to extend a fair distribution to all.

Motion agreed to; and House resolved itself into Committee.

(In the Committee.)

On Resolution 4,

Mr. BLAKE. So far as I can judge, the proposed Judgeship of the new County Court for the counties of King's and Albert I do not think it is required for the administration of justice. I remember to have read the statement of Judge Watters, made after this proposal was introduced into the Legislature of New Brunswick, that it was not required at all, but that the business could be easily disposed of by the existing staff. The hon. gentleman has stated that the jurisdiction of the County Court Judges has been increased; but my opinion is, that it will be found to be much less on the whole than the jurisdiction of the County Court Judges of Ontario, where, in many instances, one Judge does the work of a much larger population than the aggregate population of these two counties. The information I have received from various quarters is that this new Judgeship is not required; that it is, in fact, what has occurred on more than one occasion since we have been called upon to deal with the subject under the existing state of things, which gives one Legislature the right to create a Judgeship and imposes upon another the duty of paying the officer. If the Legislature which created the office had the responsibility of paying the salary of the Judge, there would be a check; but there is not at present any check, because the Local Legislature says: "We appoint the officer, but he is paid by the Dominion Government out of Dominion funds." I say it is utterly wrong for us to assume that we are under the obligation, because a Local Legislature creates an additional Judgeship, to pay the salary of the officer; and when there is published in a New Brunswick newspaper a statement of Judge Watters, and when there is, as I believe, a concurrence of opinion, that the existing County Court staff of the Province of New Brunswick is adequate to discharge the whole of the judicial functions likely to devolve upon the County Court Judges.

Sir LEONARD TILLEY. If the hon. gentleman will compare the number of Judges according to the population in New Brunswick with the number in Ontario, I think he will find that there are as many in Ontario as in New Brunswick. But there are some districts possessing the Judge and the County Court, which have more population and are larger than united counties in Ontario. But in addition I have in my hand a report of the changes made in our legislation during the last Session increasing largely the powers given to those Judges. In the first place it seems they are not to deal with cases where the title to land is brought in question; nor, in the second place, in cases where the validity of any deeds, requests or limitations is disputed, and certain exceptions are done away with. Besides, where they dealt previously with this Act with cases of debt to the amount of \$200, they can now deal with cases of \$100; and in actions of Courts where damages are claimed, their jurisdiction is extended from \$100 to \$200, thus increasing very largely the extent and nature of the duties. It has been urged that the Local Legislature provides for the appointment of the Judges, and that in the Provinces people want Judges, but are not called upon to pay for them. But they are called upon to pay for them in increased taxation. There is that check upon improper appointments. So long as certain rights and duties are thrown upon the Local Legislature, as in this case, it is exceedingly difficult for the Dominion Government or Parliament, the responsibility of the administration of justice resting with them, to say how many Judges should be appointed. Of course the case of an excessive number of Judges would be another matter.

Mr. ANGLIN. We have been called upon every Session the last four years to increase the judicial staff somewhere, and we increased it some time ago in New Brunswick by adding an additional Judge to the Supreme Court Bench. It is only in St. John that the judicial business is large and likely to fall into arrears; but I can see no necessity whatever for the creation of this additional Judgeship. Mr. Wedderburn is an estimable man, but his appointment is unnecessary and it imposes an additional burden on the people. He is appointed, not because another Judge is required to do the work, but because a Judgeship is required for him.

Sir LEONARD TILLEY. I desire to have the provision as to salary read thus: \$2,000 per annum for the first three years, and \$2,400 per annum afterwards.

Resolutions agreed to and reported.

Sir LEONARD TILLEY introduced Bill (No. 179) to fix and provide for the payment of salaries of the Judges of the Supreme Court of Judicature of Ontario; and of certain Judges and County Court Judges in Manitoba and New Brunswick.

Bill read the first and second times, considered in Committee and reported.

On motion for third reading,

Mr. BLAKE moved in amendment

That the said Bill be re-committed to a Committee of the Whole, with instructions that they have power to strike out the provision for the salary of \$2,000 a year, increasing to \$2,400 a year, for a new County Court Judge for the Counties of King's and Albert, since the Public Service does not require any such Judge.

Amendment negatived on a division, and Bill read the third time and passed.

#### REDISTRIBUTION OF SEATS.

Sir JOHN A. MACDONALD moved that the amendments made by the Senate to Bill (No. 158) to re-adjust the representation of the House of Commons and for other purposes, be read the first time.