

P. E. I. Judges And Their Salaries

DEBATE IN HOUSE OF COMMONS EXCEPTION TAKEN TO DISCRIMINATION

A resolution was introduced in the House of Commons to amend the Judges Act (salary). Hon. Arthur Meighen said: The intention of the Bill is to raise the salaries of the county and district court judges of the Dominion. Those salaries have been for some time \$8,000 each, with certain exceptions where they have gone to \$3,500 in the case of senior judges. The Bill will raise the salaries of all these county court judges by \$1,000, placing them all on the same level of \$4,000. It will also raise the salaries of the King's Bench judges of the western provinces and of the Maritime Provinces by \$1,000 wherever that is necessary to place them on a level with the salaries of the judges of the corresponding rank in the provinces of Ontario and Quebec. The salaries of the judges of Ontario and Quebec will not be affected by this Bill. I thought I should confine the scope of the Bill to such revision as is necessary to take care of those who suffer most from the increased cost of living at the present time. The Bill will also provide for an extra judge for the Exchequer Court of Canada. By virtue of repeated legislative enactments, the work of that court has been increasing rapidly, and if the Divorce Bill now before the House passes, will doubtless be very much extended. The Bill increases the salary of the assistant judge of the Exchequer Court by \$1,000, placing him in exactly the same position as the puisne judges of the other higher courts of the provinces of the Dominion. The Bill will also provide for

denominating the judge of the Exchequer Court, the President of the Exchequer Court, as he is denominated, I believe, in England.

There is an additional clause which affects the section that for some years has enabled judges of the higher courts to retire at the expiration of fifteen years on a pension of two-thirds of their salary—a section which has been interpreted as giving to the judge the right to retire of his own determination. The amendment has the effect of providing that that option may only be exercised when in the opinion of the Governor in Council it can be exercised in the public interest. That revision, however, will have no retroactive effect; it will only affect future appointments.

The salary schedule for the Maritime Provinces is as follows:

Table with columns for Province (Nova Scotia, New Brunswick, Prince Edward Island) and Position (Chief Justice, Assistant Judge, etc.) with corresponding salaries.

Mr. McISAAC: If my hon. friend (Mr. Ernest Lapointe) has occasion for complaint regarding the inequality of judges' salaries in the province of Quebec, I speaking on behalf of the province of Prince Edward Island, have much greater reason for complaint. Prior to the introduction of this resolution a very great discrepancy and inequality existed between the salaries of the judges of the Supreme Court of the province of Prince Edward Island and the salaries of like judges in Nova Scotia and New Brunswick, and in other provinces as well. Confusing ourselves, however, to the Maritime Provinces: The Chief Justice in New Brunswick and Nova Scotia receive \$7,000 and the puisne judges in the same provinces, of courts of equal jurisdiction, \$6,000. On the other hand, the Chief Justice of Prince Edward Island received \$6,000 and each of the puisne judges, or, as they are called, assistant judges—one being the Master of the Rolls and the other Vice-Chancellor—received a salary of \$5,200. Under the readjustment it was expected that this inequality would be removed. Why should there be any difference between the salaries of judges in Prince Edward Island and the salaries of judges of similar courts elsewhere? I must believe that it requires as much of ability, of devotion to duty, and of every other quality that constitutes a competent judge to fill the position of judge of the Supreme Court of Prince Edward Island as in the case of judges of the courts of Nova Scotia and New Brunswick—or any other province, for that matter—particularly when it is borne in mind that in Prince Edward Island three judges do the work which is performed by seven or eight judges in these other provinces. And so far as the cost of living is concerned, it is just as expensive to live in Prince Edward Island nowadays as anywhere else in Canada. If we take all these reasons into consideration I cannot understand why the existing inequality is not only perpetuated, but accentuated and aggravated under the proposed legislation. Now, what does the Government propose to do under these resolutions? It proposes to advance the salaries of the chief justices in New Brunswick and Nova Scotia from \$7,000 to \$8,000 and the salaries of the puisne judges of the respective courts in these provinces from \$6,000 to \$7,000. In Prince Edward Island the salary of the chief justice is to be advanced from \$6,000 to \$6,500, creating an inequality between his salary and the salary of the judges of corresponding jurisdiction in New Brunswick and Nova Scotia to \$1,500; that is to say the existing difference is increased from \$500 to \$1,500. That is something that scarcely needs to be stated. In the case of the assistant judges of Prince Edward Island, the increase only amounts to \$300. This, I repeat, not only continues the discrimination and inequality between the salaries of the Prince Edward Island judges and the salaries of like judges in Nova Scotia, New Brunswick and all the other provinces, but even renders it much more marked. I am at a loss to understand why it is, if adjustments were to be undertaken and the salaries of judges were to be equalized, as we expected, that so far as the province from which I come is concerned, the inequality, discrepancy, and injustice which formerly prevailed as compared with the judges from the other provinces has been increased to the extent of from \$1,000 and \$700 respectively, to \$1,500. The salaries of our judges are not only not relatively improved as compared with the judges in other provinces, but are left in a much worse condition comparatively than they were before. For these reasons, I would like the Acting Minister of Justice to explain why this very great inequality and injustice is perpetuated and aggravated as regards the justices of Prince Edward Island.

Mr. J. E. SINCLAIR: I want to say a word or two in support of what has been already said in regard to this legislation and against the discrimination that exists in the schedule of salaries contained therein as respects the judges of the province of Prince Edward Island from which I have the honor to come. I wish to deal with the matter from two standpoints. First, let me say that the discrimination in question has always existed in the salaries paid to the judges in Prince Edward Island as compared with the salaries paid to

the judges in other provinces. The minister has told us that this discrimination has been embodied in our laws for many years, but I understand that while in the proposals we are now considering that distinction will be wiped out as regards judges in the other provinces of Canada it is retained in the case of the Prince Edward Island judges. I do not think the minister has given the matter as much thought as he might have given it; otherwise he would have obliterated entirely that distinction which exists in the case of the Prince Edward Island judges and placed all judges of the same jurisdiction on an equal footing in respect of salary. I do not see any reason for the present distinction. The reason given for the discrimination is the character of the duties. But the dignity of the appointment must be upheld, and I feel sure, Mr. Chairman, that when we look back over the history of Canada since Confederation we must agree the choice of men to fill judicial positions in Prince Edward Island has been carefully exercised and that they have performed their duty to the full in comparison with any of the judges of any other province.

Judging from the present standing of the Bar Society of Prince Edward Island, we may look for the same in the future. It was from the Bar Society of Prince Edward Island that Canada went to get the present Chief Justice of the Supreme Court of Canada; so that it cannot be shown that the courts or Bar of Prince Edward Island are in any way inferior to those of the other provinces.

The minister told us a few days ago, and again today, that this revision of salaries is necessary to take care of those judges who suffer most at the present time from the increased cost of living, which, he said, bore more heavily upon those who received the lower salaries. Following out that reasoning, it is clear that the salaries of the Supreme Court judges in Prince Edward Island should have been increased to a greater extent than is proposed by this resolution. If I figure the schedule correctly, the Chief Justices of the Superior Courts of the Maritime Provinces and of other parts of Canada are increased 10 per cent, whereas the salary of the Chief Justice of the Supreme Court of Prince Edward Island is increased only eight per cent. There is no reason why such a discrimination should exist. The increase given to the puisne judges outside of Prince Edward Island is 25 per cent, while in Prince Edward Island it is a little less than six per cent. The minister has not given this resolution the consideration to which it is entitled, or he would not have allowed this unfair discrimination to exist. If the increases are based entirely, as the minister has led us to believe, upon the increased cost of living, I point out that the cost of living in the most extreme portions of Canada is just as high as it is in the more central parts. It costs just as much to live in Charlottetown, the capital of Prince Edward Island, as it does to live in Ottawa; house rent, meals, hotel rates are just as high as they are here. It would be argued that the cost of living has not risen so quickly during the last five years in the far-away portions of Canada as it has in the large manufacturing centres in the more central part of the country. But when the conditions reverse, as we hope they will, the far-away portions of the country will bear the high cost of living longer than those more central districts which are in closer touch with the raw materials of manufacture, and the like. The farmers of Prince Edward Island get just as high prices for the food products produced on the farm as is got by the farmers who live near the large manufacturing centres of Central Canada. So that in view of the intimation that these increases are based on the increased cost of living, I want to impress upon the minister—and I hope it will find a warm spot in his heart, and that he will have these schedules changed before the Bill is printed—the fact that the cost of living is as high in Prince Edward Island as it is in any other province. In fact, perhaps the increase in the cost of living has been greater in that province than it has been in other provinces.

This proposed legislation provides also for increases of the salaries of County Court judges from \$3,000 to \$4,000, an increase of thirty-three and a third per cent. I do not raise any objection to that, although the County Court judges in our province have not nearly as much work to do, in proportion to the duties and responsibilities of the respective offices, as have the Supreme Court judges. But they are entitled to the increase proposed. I submit that the Supreme Court judges of Prince Edward Island should be put on a par, as to salary, with the judges of the other provinces. The minister should at least consent to give us the same ratio of increase as is given to the other provinces.

If the present proposals with regard to the re-arrangement of Divorce Courts and divorce jurisdiction in Canada are put into operation, further duties will be imposed upon the judges of our Supreme Court, and it is not fair to impose further duties upon them without putting them in the same position as that in which you are putting the judges of similar courts in other provinces. During the past two years a great deal of extra work has been put upon the judges in many parts of Canada—in our province it fell upon the judges of the Supreme Court—regarding appeal cases under the Military Service Act. There were very many of these, and I can say for the standing of our judges that of the many appeals that went to the Central Appeal Judge and were decided by him, not one judgment that was rendered by the Appeal Judge in Prince Edward Island was reversed.

Mr. Meighen said there had always been this distinction in the matter of salaries between Prince Edward Island and the other provinces, and pointed out that owing to the smallness of the population the work imposed on the judges was not so heavy or onerous as in, say, Ontario. He

Have The Maritimes Had Fair Play?

THE Maritime Provinces did not enter Confederation very willingly and it may surprise people in other parts of the Dominion to learn that at the present time the people of New Brunswick and Nova Scotia are not altogether pleased with the results of the bargain. There is a distinct feeling among them that the advantages of Confederation have gone to the other Provinces. In the course of an article in the July issue of MACLEAN'S MAGAZINE, Thomas M. Fraser explains why this feeling has grown and the basis for it.

This article was written for the purpose of letting the other provinces know that the feeling exists but it will be of intense interest to people in the Maritimes. Be sure to read it—"The Spirit of the Maritimes."

The July issue is, in a sense, a Maritime Number, for it contains, in addition to Mr. Fraser's article, the following interesting features:

"The Land of National Leaders"

An article on the political aspect of the Eastern Provinces and the achievements of their leading statesmen.

"Guarding Our Coast Line"

An extremely interesting description of the measures that were taken to patrol and guard the Atlantic seaboard during the war.

Bonar Law, the man from the Maritimes, who has been the able lieutenant of Lloyd George at all crises in Great Britain, appears on the cover in a handsome three-color reproduction.

Other Big Features of the Number

"With the Snowball Brigade"

By Captain Louis Keene

Just back from Siberia—Captain Keene tells some sensational and intensely gripping things about conditions in that country which the Canadian forces are helping to stabilize. It is a record of international complications, strange atrocities and almost unbelievable living conditions.

"Solving the Problem of the Arctic"

By Vilhjalmur Stefansson

The fourth instalment of his remarkable story of the five years he spent in the north for the Canadian Government, appearing exclusively in MACLEAN'S.

Four Magnificent Stories

The best fiction obtainable is found in this issue: "Owners' Up," a race horse story by W. A. Fraser; "His Majesty's Well Beloved," by Baroness Orczy; "Petite Simonde," by Arthur Beverley Baxter; "Bunkered," by Allen C. Shore.

"The Four Tommies"

By Robert W. Service

A war poem of unusual strength.

The Review of Reviews

Here are a few of the articles in this splendid department chosen as the best published during the past month in all magazines:

Finding Husbands For Three Million Women. Will England Become an Agricultural Country?

Germany Can be Prosperous Under the Peace Terms. The Woman Who Wrecked the World.

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HIS MIND WAS ON GOLF.

A minister, being an enthusiastic golfer, was almost broken-hearted by

the loss of a match game which had seemed entirely his. After playing superbly he had fallen off near the end, and his opponent had beaten him. This defeat weighed very much on the min-

ister's mind. On the following Sunday he rose in the pulpit to announce his text, and he began, solemnly: "What shall it profit a man if he gain the whole world and lose the last hole?"

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