

2.4.2 The provincial judiciary

Certain provisions of the British North America Act govern to some extent the provincial judiciary. Under Section 92(14) the legislature of each province exclusively may make laws in relation to the administration of justice in the province including the constitution, maintenance and organization of provincial courts of both civil and criminal jurisdiction. Section 96 provides that the Governor General shall appoint the judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

2.4.3 The territorial judiciary

In 1971 amendments [now cited as RSC 1970, c.48 (1st Supp.)] to the Yukon Act and the Northwest Territories Act were proclaimed in force, simultaneously with certain ordinances of the Yukon Territory and the Northwest Territories, allowing the territorial governments to assume responsibility for the administration of justice other than the conduct of criminal prosecutions.

In the Yukon Territory, provision was made for a Territorial (now Supreme) Court, a Magistrate's Court, justices of the peace and a Court of Appeal. The Supreme Court consists of a single judge of superior court rank and the Magistrate's Court. Both are located in Whitehorse, although from time to time Magistrate's Court sittings are held in other communities. There are 32 justices of the peace, appointed by the Commissioner, located at 15 points in the Territory. The Judge of the Supreme Court of the Northwest Territories is ex officio Judge in the Yukon Territory and vice versa. The Court of Appeal consists of the Chief Justices of British Columbia, the Justices of Appeal of British Columbia and the Judge of the Supreme Court of the Northwest Territories.

The court system in the Northwest Territories consists of a superior court called the Supreme Court of the Northwest Territories, presided over by one judge located in Yellowknife. The Court of Appeal of the Territories consists of the Justices of Appeal of Alberta and the judges of the Yukon Territory and Northwest Territories Supreme Courts. There are also two full-time magistrates appointed by the Commissioner who have jurisdiction similar to provincial judges; a number of justices of the peace, also appointed by the Commissioner, serve in widely scattered settlements in the Territories.

2.4.4 Salaries, allowances and pensions of judges

Section 100 of the British North America Act provides that the "Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick) and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada". These are provided under the Judges Act (RSC 1970, c.J-1 as amended by SC 1970-71, c.55).

The salary of the Chief Justice of Canada is \$47,000 per annum and those of the puisne judges of the Supreme Court of Canada, \$42,000. The salaries of the Chief Justice and the Associate Chief Justice of the Federal Court of Canada are \$39,000 per annum and of the other judges of the Federal Court, \$35,000. The salaries of deputy judges of the federal courts, who are judges of other superior courts and were formerly district judges in admiralty pursuant to the Admiralty Act, which was repealed (admiralty jurisdiction now being provided for by the Federal Court Act), are as follows: Ontario, \$1,500 and Newfoundland three judges at \$333.33 each.

All Chief Justices of provincial superior courts, the Senior Associate Chief Justice and the Associate Chief Justice of the Superior Court of Quebec receive annual salaries of \$39,000; the puisne judges of these courts and the judges of the two territorial courts receive \$35,000 per annum. Where judicial offices are created for supernumerary judges, the incumbents will receive \$35,000 a year. Supernumerary judges are those judges of a superior court of a province who have given up their regular judicial duties to hold themselves available to perform such special judicial duties as may be assigned to them from time to time by the Chief Justice or Associate Chief Justice of the court of which they are a member. The chief judges of county and district courts receive salaries of \$27,000 per annum and the remaining judges and junior judges of all county and district courts, \$25,000 per annum.