

JUDGES

Appointment

I—POSITION

1. Section 96 of the *B.N.A. Act* gives the Governor General the power to appoint the judges of the "Superior, District, and County Courts in each Province". The *Supreme Court Act* and the *Exchequer Court Act* provide that the appointment of judges to the Supreme Court of Canada and the Exchequer Court of Canada respectively shall be made by the Governor in Council by letters patent* under the Great Seal.
2. The recommendation for the appointment is traditionally made by the Prime Minister in the case of Chief Justices and by the Minister of Justice in other cases.
3. Ten years of membership in a provincial Bar is a statutory requirement for appointment to the Bench. In the courts of the Province of Quebec judges must be selected from the Bar of that Province.
4. At least three of the members of the Supreme Court of Canada are required to be from the Bench or Bar of Quebec.
5. Judges' salaries and annuities are fixed by statute.
6. Judges of superior courts, of the Supreme Court and of the Exchequer Court cease to hold office at age 75. Judges of county and district courts are retired by order in council* at 75.
7. The Prime Minister attends the induction of the Chief Justice of the Supreme Court of Canada who according to the provisions of the *Supreme Court Act* is to be sworn into office before the Governor General in Council. It is usual for the Chief Justice to be summoned* to the Privy Council on appointment. The Chief Justice of the Supreme Court is called the Chief Justice of Canada and has the title "Right Honourable" for life.

JUDGES

Appointment

II—BACKGROUND

1. The courts* to which judges are appointed by the federal Government are listed in the appendices.
2. The practice has been for advice regarding all judicial appointments to be tendered by order in council* although such an order is statutorily required for Supreme and Exchequer Court judges only. The instrument of appointment for the latter judges is the commission* issued by the Registrar General's Office; in other cases a commission* in testimony of the appointment is issued on the basis of the appointing order.
3. Judicial appointments are discussed in Cabinet after which selected appointees are consulted on their willingness to accept appointment.
4. The Prime Minister is kept informed of all vacancies under federal appointment but traditionally only puts his name to the recommendation of Chief Justices.
5. In 1967 the Minister of Justice informed the Canadian Bar Association that he would consult the National Committee on the Judiciary set up by the Canadian Bar Association on a strictly informal and personal basis in regard to appointments to the Bench. This would not detract from the inalienable responsibility of the Government in this matter which was recognized by the Bar.
6. The automatic retirement of judges of the superior courts, of the Exchequer Court and of the Supreme Court on attaining 75 years of age is provided for by statute. Council action on the recommendation of the Minister of Justice is however necessary to bring about the mandatory retirement of judges of county and district courts at age 75 and short extensions to meet court requirements are frequent.
7. Automatic or mandatory retirement at 75 coupled with a required minimum of 10 years service on the Bench to qualify for an annuity (except for resignation due to permanent infirmity) places a practical limit of 65 as the maximum age for initial appointment to the Bench.
8. Section 11 of the *Supreme Court Act* stipulates that the oath* taken by the Chief Justice of that court shall be administered before the Governor General in Council. In 1968 the Governor General expressed the wish that the attendance of a quorum of Privy Councillors at the induction ceremony, a practice which had been allowed to lapse, should be reinstated, in accordance with the statutory requirement.
9. The Chief Justice of Canada is usually sworn in at Government House with the Prime Minister in attendance. The Prime Minister may, if he wishes, sign the oath book as a witness.

JUDGES

Appointment

I—POSITION

1. Section 96 of the *B.N.A. Act* gives the Governor General the power to appoint the judges of the "Superior, District, and County Courts in each Province". The *Supreme Court Act* and the *Exchequer Court Act* provide that the appointment of judges to the Supreme Court of Canada and the Exchequer Court of Canada respectively shall be made by the Governor in Council by letters patent* under the Great Seal.
2. The recommendation for the appointment is traditionally made by the Prime Minister in the case of Chief Justices and by the Minister of Justice in other cases.
3. Ten years of membership in a provincial Bar is a statutory requirement for appointment to the Bench. In the courts of the Province of Quebec judges must be selected from the Bar of that Province.
4. At least three of the members of the Supreme Court of Canada are required to be from the Bench or Bar of Quebec.
5. Judges' salaries and annuities are fixed by statute.
6. Judges of superior courts, of the Supreme Court and of the Exchequer Court cease to hold office at age 75. Judges of county and district courts are retired by order in council* at 75.
7. The Prime Minister attends the induction of the Chief Justice of the Supreme Court of Canada who according to the provisions of the *Supreme Court Act* is to be sworn into office before the Governor General in Council. It is usual for the Chief Justice to be summoned* to the Privy Council on appointment. The Chief Justice of the Supreme Court is called the Chief Justice of Canada and has the title "Right Honourable" for life.

10. Since appeals to the Judicial Committee of the United Kingdom Privy Council were abolished in 1949 the Chief Justice of the Supreme Court of Canada has been summoned to the Canadian Privy Council on appointment. Prior to 1949 the Chief Justice had traditionally been summoned to the United Kingdom Privy Council for the purpose of hearing appeals on the Judicial Committee. Since 1968, pursuant to a new provision in the Table of Titles for Canada, he is designated "Right Honourable" for life upon assuming office as Chief Justice of Canada.

JUDGES

Appointment

III—PROCEDURE

1. The Clerk of the Privy Council keeps the Prime Minister informed of all judicial vacancies.
2. The Minister of Justice may choose to get the opinion of the National Committee on the Judiciary of the Canadian Bar Association with respect to the qualifications of persons being considered for judicial appointments.
3. Appointments to the Bench are considered in Cabinet and orders in council* are passed. Those appointing Chief Justices are recommended by the Prime Minister, others by the Minister of Justice. A press release* is issued.
4. A copy of the order in council is sent to the appointee by the Department of Justice who also send a copy of the order to the Attorney General of the province in which the new judge will act and, where applicable, to the Chief Justice of the court on which he will sit. In the case of the Chief Justice of the Supreme Court of Canada who is the head of the judicial branch of government, the Prime Minister may wish to write a personal note to the new appointee.
5. If the Chief Justice of Canada is to be appointed to the Privy Council, the Prime Minister also signs an instrument of advice* to this effect.
6. Commissions* of appointment are issued to all federally appointed judges by the Registrar General.
7. In the case of the appointment of the Chief Justice of Canada, the Privy Council Office makes arrangements with Government House for the induction ceremony which the Governor General and the Prime Minister attend. As of 1968 these arrangements should include the presence of Council or of a quorum of Council. Other judges are sworn in at the court on which they will act and no action is required by the Prime Minister's Office or the Privy Council Office.
8. An order in council* is passed on the recommendation of the Minister of Justice for the compulsory retirement of judges of county and district courts.

JUDGES

Appointment

IV—CEREMONIAL

1. In 1968 the Governor General expressed the wish that future arrangements for administering the oath* of office to the Chief Justice of Canada should include the presence of a quorum of Privy Councillors, in accordance with the statutory requirement.

JUDGES

Appointment

APPENDICES

List of courts to which judges are appointed by the federal Government

Order in council for appointment of Chief Justice of Supreme Court of Canada

Letters patent for appointment of Chief Justice of Supreme Court of Canada

Press release regarding appointment of Chief Justice of Supreme Court of Canada

Oath taken by judges of Supreme Court of Canada

List of Chief Justices of Canada

Instrument of advice for summoning of Chief Justice of Supreme Court of Canada to Privy Council

Order in council for appointment of superior court judge

Commission issued to above judge

Press release regarding appointment of judge

Press release regarding appointment of Chief Justice of provincial court

Order in council for compulsory retirement of judge at age 75

JUDGES

Resignation, Removal and Leave

I—POSITION

1. A request for leave of absence in excess of 30 days must be approved by an order in council* which stipulates the period for which leave is granted. This procedure applies to judges of superior, district and county courts as well as to those of the Supreme and Exchequer Courts of Canada.
2. The order in council is recommended by the Minister of Justice and the request discussed in Cabinet. The leave of absence is usually granted with pay.
3. A request for leave of absence for a period of 30 days or less is granted by the Minister of Justice without Council action.
4. There are no statutory provisions regarding the procedure for tendering and accepting judicial resignations. Where the intention to resign has been communicated to the Government, the acceptance is by order in council* on the recommendation of the Minister of Justice. This procedure applies to all federally appointed judges.
5. Judges of county and district courts are compulsorily retired, pursuant to the *Judges Act*, at age 75.
6. The *B.N.A. Act* provides that judges of the superior courts shall be removable by the Governor General on address of the Senate and House of Commons. The same procedure is provided in the *Supreme Court Act* and in the *Exchequer Court Act* for the removal of judges of those courts.
7. No judge has ever been removed by the application of these provisions.
8. The *Judges Act* provides that judges of district and county courts may be removed by the Governor in Council for misbehaviour or incapacity, following an inquiry as specified in the Act. There is no record of a removal under this provision.

JUDGES

Resignation, Removal and Leave

II—BACKGROUND

1. The Prime Minister would normally be interested in a request for leave of absence by the Chief Justice of the Supreme Court of Canada who also has governmental duties as Deputy Governor General or Administrator in the absence of the Governor General.
2. The *Exchequer Court Act* provides for the temporary appointment of a deputy judge with all the powers of a judge of the Exchequer Court in the case of sickness, absence from Canada or engagement upon other duty of the President or other judge of that court.
3. A judge found to be incapacitated or disabled from the due execution of his office pursuant to the *Judges Act* may be granted a leave of absence with pay. An order in council on the recommendation of the Minister of Justice and stipulating the period for which leave is granted must be passed.
4. There is no prescribed formality for tendering a resignation from the Bench. The order in council* for acceptance of the resignation is not considered in Cabinet and requests to be allowed to resign are normally granted. In the case of the Chief Justice of the Supreme Court the order would be recommended by the Prime Minister.
5. The order in council* accepting a judicial resignation will also fix, where applicable, the annuity which is to be granted to the resigning judge. Should the resignation be accepted in the order for the appointment of a successor, a separate order in council is passed regarding the annuity of the resigning judge.
6. No resignation is required where the statute provides for cessation of office or compulsory retirement at age 75.
7. A judge who is found incapacitated or disabled pursuant to the *Judges Act* may resign his office and be granted by order in council the annuity he would have been entitled to at the time of the finding.
8. It has not been necessary to resort to a joint address in order to remove from office a judge whose usefulness has been impaired by misconduct or otherwise. Resignation has up to now settled the cases which have arisen.
9. In 1967, proceedings reached the stage of the introduction of a motion for an address in the Senate following the recommendation of a joint parliamentary committee of inquiry which had confirmed the conclusions of a Royal Commission recommending removal. At this point the judge resigned and the motion was withdrawn. It is not clear whether the use of a commission could always be justified. As to its use Sir John A. Macdonald expressed the opinion that "... a Commission ought not to go further than a

Commission to take evidence. It should certainly not in any way be a Commission to try a Judge as that would be exceeding the powers given us [House of Commons] under the Constitution as a legislative body".¹

10. Since no judge has ever been removed from office as the result of a joint address, the administrative technique to be employed to terminate the appointment has never been selected. It would be for study whether an order in council cancelling the appointing order should be passed or whether a fiat should be issued by the Governor General calling for the cancellation of the judge's commission.
11. As in the case of judges removable by joint address, resignation has obviated the need to use the removal procedure provided by the *Judges Act* for district and county court judges.

¹ *Can. H. of C. Debates*, May 1, 1882, p. 1236.

JUDGES

Resignation, Removal and Leave

III—PROCEDURE

1. Where leave of absence in excess of 30 days is to be granted an order in council* on the recommendation of the Minister of Justice is prepared for Cabinet approval. The same procedure would be followed where leave is being granted to a judge found to be incapacitated or disabled pursuant to the *Judges Act*.
2. An order in council* accepting a judicial resignation and fixing the annuity to be granted is prepared for approval by Council.
3. A county or district court judge is retired at age 75 by an order* approved in Council. This order in council will also fix the annuity granted.
4. In the case of the resignation of a Chief Justice, the Prime Minister may wish to issue a press release*.
5. The removal of a judge requires a joint parliamentary address or an order in council, as prescribed by statute.

JUDGES

Resignation, Removal and Leave

APPENDICES

Order in council for grant of leave of absence to Chief Justice of Canada

Order in council for grant of leave of absence to other judge

Order in council accepting judicial resignation and fixing annuity

Press release regarding resignation of Chief Justice of Canada

Order in council for compulsory retirement of judge at age 75

JUDGES

Title

I—POSITION

1. The Table of Titles for Canada* provides that judges of the Federal, Provincial and Territorial Courts listed shall be styled "Honourable" during tenure of office.
2. The Table also provides that these same judges shall be eligible for permission to retain the title "Honourable" after they have ceased to hold office. Permission is granted by the Governor General on behalf of Her Majesty.
3. Since 1968 the Chief Justice of the Supreme Court of Canada is designated "Right Honourable" for life on appointment as Chief Justice.

JUDGES

Title

II—BACKGROUND

1. When retirement was made compulsory in 1958 it was decided not to propose that the retention of the title "Honourable" on leaving the Bench should be automatic.
2. Permission has not always been granted although the criteria on which a decision is made are not made public.
3. Until Canadian appeals to the Judicial Committee of the Privy Council in the United Kingdom were abolished in 1949, it had been the practice for the Chief Justice of the Supreme Court to be appointed to the United Kingdom Privy Council and thus to carry the title "Right Honourable". In 1968 the Table of Titles for Canada* was amended to provide that this title should attach to the head of the judiciary in Canada for life.

JUDGES

Title

III—PROCEDURE

1. When a judge leaves the Bench the Minister of Justice takes the initiative in sending a submission* to the Governor General recommending permission to retain the title "Honourable".
2. The Minister then sends the approved submission to the judge.
3. Should the Minister of Justice decide not to recommend the retention of the title no submission is made.

JUDGES

Title

APPENDICES

Extract from Table of Titles for Canada regarding judges' title

Submission from Minister of Justice to Governor General for retention of
"Honourable" title by judges leaving the Bench

JUDGES

Indemnity

I—POSITION

1. The salaries of judges appointed by federal authority are fixed by the *Judges Act*. These include the judges of the superior, county and district courts in the provinces and those of the Supreme and Exchequer Courts of Canada.
2. Judges receive an additional salary of \$2,000 per annum as compensation for extra-judicial duties and expenditures for the fit and proper execution of their office.
3. Judges are entitled to be reimbursed under certain conditions for expenses incurred travelling on duty.
4. Section 39 of the *Judges Act* prohibits the acceptance of extra remuneration for additional duties performed by a judge. Expenses incurred in the performance of these duties are however excepted.
5. The Governor in Council may grant* a judge a non-contributory annuity equal to two thirds of his salary under the conditions prescribed in the *Judges Act*. The annuity is taxable.
6. A retired judge's widow receives* an annuity equal to one third of the annuity received by the judge at time of death. If the judge dies in office, his widow receives an annuity equal to two ninths of his salary. In the latter case the widow is also granted a sum equal to two monthly installments of the deceased judge's salary.
7. Judges are entitled to take part in the medical insurance plan provided for the Public Service.

JUDGES

Indemnity

II—BACKGROUND

1. An amendment to the *Judges Act* is required for effecting changes in the salaries and annuities paid to judges.
2. Section 31 of the *Judges Act* provides for the cessation of a judge's salary if on a report from the Minister of Justice the Governor in Council finds him to have become incapacitated from the due execution of his office by reason of age or infirmity. There is no record of this provision having been implemented.
3. Judges cease to hold office or are compulsorily retired at age 75. The annuity is payable on attaining this age if 10 years of judicial office have elapsed, or if office was held in 1960.
4. After 15 years service a judge may resign on reaching 70 years of age and be entitled to the annuity.
5. A judge will also be entitled to the annuity if, after 15 years service he resigns and in the opinion of the Governor in Council the resignation is conducive to the better administration of justice, or is in the national interest.
6. A judge who is afflicted with some permanent infirmity disabling him from the due execution of his office is entitled to the annuity if he resigns or is removed.
7. The annuity commences on the judge's resignation, removal or ceasing to hold office and continues during his natural life.
8. There are no statutory provisions for the grant of an annuity to judges removed for misbehaviour.
9. The annuity granted to the widow of a judge commences at the latter's death and continues during the widow's natural life.

JUDGES

Indemnity

III—PROCEDURE

1. An order in council* for the grant of the applicable annuity to a judge who resigns, ceases to hold office or is compulsorily retired is prepared on the recommendation of the Minister of Justice. In cases of compulsory retirement or resignation the same order* usually effects the mandatory retirement or accepts the resignation.
2. Where a judge in office or a retired judge dies an order in council* fixing the applicable annuity to be granted his widow is prepared on the recommendation of the Minister of Justice.

JUDGES

Indemnity

APPENDICES

Order in council for annuity to judge who ceases to hold office at age 75

Order in council for annuity to resigning judge

Order in council for annuity to widow of judge who dies in office

Order in council for annuity to widow of retired judge

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**List of Courts to which Judges are appointed
by the Federal Government**

1. Supreme Court of Canada
 - The Chief Justice of Canada
 - 8 puisne judges
2. Exchequer Court of Canada
 - The President of the Exchequer Court of Canada
 - 6 puisne judges
3. District Courts in Admiralty of the Exchequer Court
 - The District Judge of the Admiralty District of Quebec
 - The District Judge of the Admiralty District of Nova Scotia
 - The District Judge of the Admiralty District of New Brunswick
 - The District Judge of the Admiralty District of Prince Edward Island
 - The District Judge of the Admiralty District of British Columbia
 - The District Judge of the Admiralty District of Ontario
 - 3 District Judges of the Admiralty District of Newfoundland
4. Supreme Court of Ontario
 - The Chief Justice of Ontario
 - 9 Justices of Appeal
 - The Chief Justice of The High Court
 - 26 judges of The High Court
5. Court of Queen's Bench for Quebec
 - The Chief Justice of Quebec
 - 11 puisne judges of the Court of Queen's Bench
6. Superior Court in and for the Province of Quebec
 - The Chief Justice of the Superior Court
 - The Associate Chief Justice
 - 85 puisne judges of the Superior Court
7. Supreme Court of Nova Scotia
 - The Chief Justice of Nova Scotia
 - 2 judges of the Appeal Division
 - The Chief Justice of the Trial Division
 - 5 judges of the Trial Division
8. Supreme Court of New Brunswick
 - The Chief Justice of New Brunswick
 - 3 judges of the Appeal Division
 - The Chief Justice of the Queen's Bench Division
 - 5 judges of the Queen's Bench Division

9. Court of Appeal for Manitoba
 - The Chief Justice of Manitoba
 - 4 judges of Appeal
10. Court of Queen's Bench for Manitoba
 - The Chief Justice of the Court of Queen's Bench
 - 7 puisne judges of the Court of Queen's Bench
11. Court of Appeal for British Columbia
 - The Chief Justice of British Columbia
 - 8 Justices of Appeal
12. Supreme Court of British Columbia
 - The Chief Justice of the Supreme Court
 - 16 judges of the Supreme Court
13. Supreme Court of Prince Edward Island
 - The Chief Justice of the Court
 - 1 judge of the Court, being also Master of the Rolls of the Court of Chancery
 - 1 judge of the Court, being also Vice-Chancellor
 - 1 other judge of the Court
14. Court of Appeal for Saskatchewan
 - The Chief Justice of Saskatchewan
 - 4 judges of Appeal
15. Court of Queen's Bench for Saskatchewan
 - The Chief Justice of the Court of Queen's Bench
 - 7 judges of the Court of Queen's Bench
16. Supreme Court of Alberta
 - The Chief Justice of Alberta
 - 6 Justices of Appeal
 - The Chief Justice of the Trial Division
 - 9 Justices of the Supreme Court of Alberta
17. Supreme Court of Newfoundland
 - The Chief Justice
 - 3 judges
18. Territorial Court of the Yukon Territory
 - 1 judge
19. Territorial Court of the Northwest Territories
 - 1 judge

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by the Federal Government**

1. Supreme Court of Canada
 - The Chief Justice of Canada
 - 8 puisne judges
2. Exchequer Court of Canada
 - The President of the Exchequer Court of Canada
 - 6 puisne judges
3. District Courts in Admiralty of the Exchequer Court
 - The District Judge of the Admiralty District of Quebec
 - The District Judge of the Admiralty District of Nova Scotia
 - The District Judge of the Admiralty District of New Brunswick
 - The District Judge of the Admiralty District of Prince Edward Island
 - The District Judge of the Admiralty District of British Columbia
 - The District Judge of the Admiralty District of Ontario
 - 3 District Judges of the Admiralty District of Newfoundland
4. Supreme Court of Ontario
 - The Chief Justice of Ontario
 - 9 Justices of Appeal
 - The Chief Justice of The High Court
 - 26 judges of The High Court
5. Court of Queen's Bench for Quebec
 - The Chief Justice of Quebec
 - 11 puisne judges of the Court of Queen's Bench
6. Superior Court in and for the Province of Quebec
 - The Chief Justice of the Superior Court
 - The Associate Chief Justice
 - 85 puisne judges of the Superior Court
7. Supreme Court of Nova Scotia
 - The Chief Justice of Nova Scotia
 - 2 judges of the Appeal Division
 - The Chief Justice of the Trial Division
 - 5 judges of the Trial Division
8. Supreme Court of New Brunswick
 - The Chief Justice of New Brunswick
 - 3 judges of the Appeal Division
 - The Chief Justice of the Queen's Bench Division
 - 5 judges of the Queen's Bench Division

9. Court of Appeal for Manitoba
 - The Chief Justice of Manitoba
 - 4 judges of Appeal
10. Court of Queen's Bench for Manitoba
 - The Chief Justice of the Court of Queen's Bench
 - 7 puisne judges of the Court of Queen's Bench
11. Court of Appeal for British Columbia
 - The Chief Justice of British Columbia
 - 8 Justices of Appeal
12. Supreme Court of British Columbia
 - The Chief Justice of the Supreme Court
 - 16 judges of the Supreme Court
13. Supreme Court of Prince Edward Island
 - The Chief Justice of the Court
 - 1 judge of the Court, being also Master of the Rolls of the Court of Chancery
 - 1 judge of the Court, being also Vice-Chancellor
 - 1 other judge of the Court
14. Court of Appeal for Saskatchewan
 - The Chief Justice of Saskatchewan
 - 4 judges of Appeal
15. Court of Queen's Bench for Saskatchewan
 - The Chief Justice of the Court of Queen's Bench
 - 7 judges of the Court of Queen's Bench
16. Supreme Court of Alberta
 - The Chief Justice of Alberta
 - 6 Justices of Appeal
 - The Chief Justice of the Trial Division
 - 9 Justices of the Supreme Court of Alberta
17. Supreme Court of Newfoundland
 - The Chief Justice
 - 3 judges
18. Territorial Court of the Yukon Territory
 - 1 judge
19. Territorial Court of the Northwest Territories
 - 1 judge

20. County and District Courts

ONTARIO

- 1 Chief Judge of County and District Courts
- 88 judges and junior judges of County and District Courts

NOVA SCOTIA

- 7 County Court judges

NEW BRUNSWICK

- 6 County Court judges

MANITOBA

- 10 judges and junior judges of the County Courts

BRITISH COLUMBIA

- 18 judges and junior judges of the County Courts

PRINCE EDWARD ISLAND

- 3 County Court judges

SASKATCHEWAN

- 18 District Court judges

ALBERTA

- 14 chief judges and judges of the District Courts

NEWFOUNDLAND

- 5 District Court judges

21. Court Martial Appeal Court¹

- Not less than four judges of the Exchequer Court of Canada
- Such additional judges of a superior court of criminal jurisdiction as are appointed by the Governor in Council

22. Court of Divorce and Matrimonial Causes of Nova Scotia

- Such of the judges of the Supreme Court of Nova Scotia and such judges of the County Courts of Nova Scotia as are from time to time appointed by the Governor General

23. Court of Divorce and Matrimonial Causes of New Brunswick

- The court consists of two or more judges of the Superior Courts and County Courts of New Brunswick as from time to time are appointed by the Governor General

NOVEMBER 1968

¹ The President of the Court, one of the judges of the Court Martial Appeal Court, is designated by the Governor in Council.

**Order in Council for Appointment of Chief Justice
of Supreme Court of Canada**

CANADA
PRIVY COUNCIL

P.C. 1967-1574

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on August 9, 1967.*

The Committee of the Privy Council, on the recommendation of the Right Honourable Lester B. Pearson, the Prime Minister, advise that Letters Patent under the Great Seal of Canada do issue appointing the Honourable John Robert Cartwright, one of the Puisne Judges of the Supreme Court of Canada, to be Chief Justice of Canada, vice the Honourable Robert Taschereau whose resignation is hereby accepted, effective 1st September, 1967.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Letters Patent for Appointment of Chief Justice of Supreme Court of Canada

Canada

(Sgd.) Roland Michener

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories **QUEEN**, Head of the Commonwealth, Defender of the Faith.

TO

THE HONOURABLE JOHN ROBERT CARTWRIGHT,

a Puisne Judge of the Supreme Court of Canada,

GREETING:

KNOW YOU that, reposing special trust and confidence in your loyalty, integrity and ability, We, by and with the advice of Our Privy Council for Canada, do hereby constitute and appoint you the said John Robert Cartwright to be

CHIEF JUSTICE OF CANADA.

TO HAVE, hold, exercise and enjoy the said office of Chief Justice of Canada unto you the said John Robert Cartwright with all and every the powers, rights, authority, privileges, profits, emoluments and advantages unto the said office of right and by law appertaining during your good behaviour from the first day of September in the year of Our Lord one thousand nine hundred and sixty-seven.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: Our Right Trusty and Well-beloved Counsellor, Roland Michener, Chancellor and Principal Companion of Our Order of Canada, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this thirty-first day of August in the year of Our Lord one thousand nine hundred and sixty-seven and in the sixteenth year of Our Reign.

BY COMMAND,

(Sgd.) P.E. Trudeau
ATTORNEY GENERAL
OF CANADA

(Sgd.) John Turner
REGISTRAR GENERAL OF CANADA

**Press Release regarding Appointment of Chief Justice
of Supreme Court of Canada**

OFFICE OF THE PRIME MINISTER

CABINET DU PREMIER MINISTRE

PRESS RELEASE

COMMUNIQUÉ

Date: August 15, 1967

For Release: 10:00 a.m.

Pour Publication:

The Prime Minister announces that His Excellency The Governor-General has approved his recommendation that The Honourable John Robert Cartwright be appointed Chief Justice of Canada, effective September 1, 1967.

The Honourable Mr. Justice Cartwright succeeds The Honourable Robert Taschereau who has submitted his resignation because of ill health.

The Prime Minister has expressed to Mr. Taschereau the great regret of the government over his resignation and their deep gratitude for his distinguished service over so many years.

(The exchange of letters concerning the resignation is attached)¹

THE HONOURABLE JOHN ROBERT CARTWRIGHT, M.C., K.C., was born in Toronto, Ont., March 23, 1895.

...²

[¹Letters not included.]

[²Attached biographical notes not included.]

Oath taken by Judges of Supreme Court of Canada

I,....., do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as Chief Justice (*or* as one of the judges) of the Supreme Court of Canada. So help me God.

Chief Justices of the Supreme Court of Canada

Name	Date of Appointment to Supreme Court	Date of Appointment as Chief Justice of Canada	Date of Appointment to Privy Council of Canada
Hon. Sir W.B. Richards	Oct. 8, 1875	Oct. 8, 1875	
Hon. Sir W.J. Ritchie	Oct. 8, 1875	Jan. 11, 1879	
The Rt. Hon. Sir S.H. Strong	Oct. 8, 1875	Dec. 13, 1892	
The Rt. Hon. Sir H.E. Taschereau	Oct. 7, 1878	Nov. 21, 1902	
The Rt. Hon. Sir C. FitzPatrick	June 4, 1906	June 4, 1906	Feb. 11, 1902 ¹
The Rt. Hon. Sir L.H. Davies	Sept. 25, 1901	Oct. 23, 1918	July 13, 1896 ²
The Rt. Hon. F.A. Anglin	Feb. 16, 1909	Sept. 16, 1924	
The Rt. Hon. Sir L.P. Duff	Sept. 27, 1906	Mar. 17, 1933	
The Rt. Hon. T. Rinfret	Oct. 1, 1924	Jan. 8, 1944	
The Hon. P. Kerwin	July 20, 1935	July 1, 1954	July 1, 1954
The Rt. Hon. R. Taschereau	Feb. 9, 1940	April 22, 1963	April 26, 1963
The Rt. Hon. J.R. Cartwright ³	Dec. 22, 1949	Sept. 1, 1967	Sept. 4, 1967

¹ Summoned to the Canadian Privy Council upon appointment as Minister of Justice.

² Summoned to the Canadian Privy Council upon appointment as Minister of Marine and Fisheries.

³ Cartwright was the first Chief Justice to acquire the "Right Honourable" title by virtue of the 1968 amendment to the Table of Titles for Canada which provided that the title would henceforth attach to the Chief Justice of the Supreme Court. Upon adoption of the amendment special provision was also made to grant the title to Mr. Taschereau, the retired Chief Justice. All other Chief Justices described as "Rt. Hon." in the above list acquired their title through their membership in the U.K. Privy Council.

MAY 1968

Instrument of Advice summoning Chief Justice of Canada to Privy Council

PRIME MINISTER - PREMIER MINISTRE

To His Excellency

The Right Honourable Roland Michener, P.C., Q.C., M.A., B.C.L.B.,
Governor General and Commander-in-Chief of Canada.

Your Excellency:

The undersigned submits for Your Excellency's pleasure that the Honourable John Robert Cartwright, Chief Justice of Canada, be chosen and summoned to be a Member of the Queen's Privy Council for Canada.

Respectfully submitted

(Sgd.) L.B. PEARSON
Prime Minister

(Sgd.) { Approved
ROLAND MICHENER
4th Sept., 1967.

Order in Council for Appointment of Superior Court Judge

**CANADA
PRIVY COUNCIL**

P.C. 1966-425

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on March 10, 1966.*

The Committee of the Privy Council, on the recommendation of the Acting Minister of Justice, advise that Bernard de L. Bourgeois, of the City of Montreal in the Province of Quebec, one of Her Majesty's Counsel learned in the law, be appointed a Puisne Judge of the Superior Court for the District of Montreal in the said Province, effective 30th March, 1966, and that the City of Montreal or the immediate vicinity thereof shall be the place at which during the pleasure of Her Majesty he shall reside.

The Committee further advise that Bernard de L. Bourgeois be appointed to be ex officio a Judge of the Court of Queen's Bench (Crown Side) of the Province of Quebec.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

(Signé) Georges P. Vanier

Canada

Elisabeth Deux, par la Grâce de Dieu, Reine
du Royaume-Uni, du Canada et de ses autres royaumes
et territoires, Chef du Commonwealth, Défenseur de
la Foi.

À

MONSIEUR BERNARD DE LORIMIER BOURGEOIS,
un de Nos savants conseillers juridiques,
de la ville de Montréal, dans la province de Québec,

SALUT :

SACHEZ QUE, en raison de la confiance particulière que Nous mettons dans votre fidélité, votre intégrité et votre compétence, Nous vous avons, le dixième jour de mars de l'an de grâce mil neuf cent soixante-six, le quinzième de Notre règne, constitué et nommé, vous, ledit Bernard de Lorimier Bourgeois

JUGE PUÎNÉ DE LA COUR SUPÉRIEURE POUR LE DISTRICT DE MONTRÉAL
DANS LA PROVINCE DE QUÉBEC, ET EX OFFICIO JUGE DE LA COUR
DU BANC DE LA REINE (JURIDICTION CRIMINELLE) DE LA PROVINCE DE QUÉBEC.

IL VOUS appartiendra, à vous, ledit Bernard de Lorimier Bourgeois, d'occuper, d'exercer et d'avoir en partage ladite charge de juge puîné de la Cour supérieure pour le district de Montréal dans la province de Québec et ex officio juge de la Cour du banc de la Reine (juridiction criminelle) dans la province de Québec, avec tous les pouvoirs, droits, autorisations, prérogatives, bénéfices, émoluments et avantages attachés de droit et de par la loi auxdites fonctions durant votre bonne conduite.

ET NOUS désignons par les présentes la ville de Montréal, ou ses environs immédiats, comme lieu où, à titre de juge, vous résiderez durant Notre bon plaisir.

EN FOI DE QUOI, Nous avons fait émettre Nos présentes Lettres Patentes et à icelles fait apposer le Grand Sceau du Canada.

TÉMOIN : Notre très fidèle et bien-aimé Conseiller, le général Georges P. Vanier, membre de Notre très honorable Conseil privé, Compagnon de Notre Ordre du Service distingué, à qui Nous avons décerné Notre Croix militaire et Notre Décoration des forces canadiennes, Gouverneur général et Commandant en chef du Canada.

À NOTRE HÔTEL DU GOUVERNEMENT, en Notre ville d'Ottawa, ce trentième jour de mai en l'an de grâce mil neuf cent soixante-six le quinzième de Notre règne.

PAR ORDRE,

(Signé) Lucien Cardin
PROCUREUR GÉNÉRAL
DU CANADA

(Signé) Judy Lamarch
SECRÉTAIRE D'ÉTAT DU CANADA

Press Release regarding Appointment of Judge

PRESS RELEASE

COMMUNIQUÉ

OFFICE OF THE MINISTER OF JUSTICE

CABINET DU MINISTRE DE LA JUSTICE

Not to be released before: June 14th, 1967.

Immediate

Ne pas publier avant:

The Minister of Justice, the Honourable Pierre Elliott Trudeau, to-day announced the appointment of J.H. Blumenstein, Q.C., as a Judge of the Superior Court of Quebec for the District of Montreal, to replace the Honourable Benjamin Robinson, who retired recently on account of ill health.

Mr. Justice Blumenstein was admitted to the Bar in 1928 and was appointed Queen's Counsel in 1960. He was a partner in the law firm of Garber & Blumenstein.

**Press Release regarding Appointment of Chief Justice of
Provincial Court**

OFFICE OF THE PRIME MINISTER

CABINET DU PREMIER MINISTRE

PRESS RELEASE

COMMUNIQUE

Date: September 25, 1967

For Release: Immediate

Pour Publication:

The Prime Minister announces the appointment of the HONOURABLE GEORGE ALEXANDER GALE, as Chief Justice of The Court of Appeal for Ontario with the style and title of Chief Justice of Ontario, and ex officio a member of The High Court of Justice for Ontario.

— — — — —
The Honourable George Alexander Gale was born in Quebec, P.Q., June 24, 1906. He took his B.A. at the University of Toronto and his law degree at Osgoode Hall, Toronto.

Mr. Justice Gale was called to the Bar of Ontario in 1932 and became a King's Counsel in 1945. He practised law with the firm of Mason, Foulds, Davidson and Gale.

He was appointed to the High Court of Ontario and elevated to the Court of Appeal in November, 1963. In June, 1964, he was appointed to the High Court of Ontario as Chief Justice.

Mr. Justice Gale is a member of the Council of the Canadian Bar Association, a member of the Board of Governors of Wycliffe College, Toronto, and honorary lecturer of the Osgoode Hall Law School and the Medical School, University of Toronto.

Mr. Justice Gale is married to the former Hilda Georgina Daly. They have three sons.

Order in Council for Compulsory Retirement of Judge at Age 75

**CANADA
PRIVY COUNCIL**

P.C. 1967-1090

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on June 1, 1967.*

The Committee of the Privy Council have had before them a report from the Minister of Justice submitting that His Honour Donald Alexander Ross, Judge of the County Court of the Dauphin Judicial District in the Province of Manitoba, will attain the age of seventy-five years on the seventeenth day of June, 1967.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that pursuant to section 26 of the Judges Act, His Honour Judge Donald Alexander Ross be retired on the seventeenth day of June, 1967, and that he be granted an annuity of \$14,000 to commence immediately after his retirement and to continue thenceforth during his natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

JUDGES

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**Order in Council for Grant of Leave of
Absence to Chief Justice of Canada**

CANADA
PRIVY COUNCIL

P.C. 1967-850

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on May 4, 1967.*

The Committee of the Privy Council have had before
them a report from the Minister of Justice, representing:

That the Honourable Robert Taschereau, Chief
Justice of Canada, has requested leave of absence on ac-
count of ill-health for a period of sixty days from the
twenty-fourth day of April, 1967, and has submitted a
medical certificate in support of his application.

That the leave may be granted without undue
interference with the administration of justice.

The Committee, therefore, on the recommendation
of the Minister of Justice, advise that leave of absence be
granted to the Honourable Robert Taschereau for a period
of sixty days from the twenty-fourth day of April, 1967,
as requested.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Order in Council for Grant of Leave of Absence to County Court Judge

**CANADA
PRIVY COUNCIL**

P.C. 1967-347

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on February 24, 1967.*

The Committee of the Privy Council have had before them a report from the Minister of Justice submitting that His Honour Charles William Morrow, a Judge of the County Court of Yale in the Province of British Columbia, has requested leave of absence for the months of July and August, 1967.

The Minister has been assured that adequate arrangements have been made to take care of Judge Morrow's judicial work and that the leave may be granted without detriment to the administration of justice in the Province.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that leave of absence be granted to His Honour Judge Charles William Morrow for the months of July and August, 1967.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Order in Council accepting Judicial Resignation and fixing Annuity

CANADA
PRIVY COUNCIL

P.C. 1963-1701

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on November 21, 1963.

The Committee of the Privy Council have had before them a report dated 18th November 1963, from the Minister of Justice, submitting that His Honour John Welsford Macdonald, Judge of the County Court of District No. 5 in the Province of Nova Scotia, has continued in judicial office for at least fifteen years, has attained the age of seventy years and has tendered his resignation as of the first day of January 1964.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that the resignation of Judge Macdonald be accepted and that, pursuant to the Judges Act, he be granted an annuity of \$10,666.66 to commence on the day of his resignation and to continue thenceforth during his natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Press Release regarding Resignation of Chief Justice of Canada

OFFICE OF THE PRIME MINISTER

CABINET DU PREMIER MINISTRE

PRESS RELEASE

COMMUNIQUE

Date: August 15, 1967

For Release: 10:00 a.m.

Pour Publication:

The Prime Minister announces that His Excellency The Governor-General has approved his recommendation that The Honourable John Robert Cartwright be appointed Chief Justice of Canada, effective September 1, 1967.

The Honourable Mr. Justice Cartwright succeeds The Honourable Robert Taschereau who has submitted his resignation because of ill health.

The Prime Minister has expressed to Mr. Taschereau the great regret of the government over his resignation and their deep gratitude for his distinguished service over so many years.

(The exchange of letters concerning the resignation is attached)

— — —

THE HONOURABLE JOHN ROBERT CARTWRIGHT, M.C., K.C., was born in Toronto, Ont., March 23, 1895.

— — —¹

August 8, 1967.

The Right Honourable Lester B. Pearson,
Prime Minister of Canada,
House of Commons,
Ottawa.

Dear Mr. Prime Minister:

I am enclosing herewith a copy of a letter I sent to-day to your colleague, the Minister of Justice.

I assure you that I gave very careful consideration to the matter before deciding to tender my resignation. However, I am sure you will understand that I must be guided by the opinion of my medical advisers. In the circumstances, I arrived at the conclusion that there was no other course open for me but to resign.

[¹Attached biographical notes not included.]

It was you, Sir, who appointed me Chief Justice of Canada and I shall be forever grateful to you for that honour. I have always been acutely aware of the importance of the highest judicial office in Canada and my every effort has been directed to the proper discharge of those duties and responsibilities. The Supreme Court of Canada is a strong Court, enjoying the respect of the Bench and Bar throughout Canada and, in fact, of all Canadians. I have no doubt it will go on from strength to strength.

With kindest regards and warmest wishes,

Most sincerely yours,
(Sgd.) ROBERT TASCHEREAU.

August 10, 1967.

The Honourable Robert Taschereau,
Chief Justice of Canada,
Supreme Court of Canada,
Ottawa.

My dear Chief Justice:

I have received your letter of August 8th enclosing a copy of that which you sent to my colleague, the Minister of Justice, informing him that you wish to retire from the Chief Justiceship as of September 1st, 1967.

You will know with how much regret I have received this news, more particularly the reason for the action which you have felt you had to take.

I would like, both personally and as Head of the Government, to thank you for the distinguished and devoted service you have given to Canada in the honourable and responsible position of, first, a member of and, then, as head of the country's Supreme Court. I share your view that it is a strong Court and thank you for your own contribution to that good result. I also share your feeling that "it will go on from strength to strength".

As you give up your onerous responsibilities, I can only hope that a period of rest will restore your health completely and that you will be able to enjoy fully the retirement which you have so well earned.

With kindest personal regards and all good wishes,

Yours sincerely,
(Sgd.) L.B. PEARSON.

Order in Council for Compulsory Retirement of Judge at Age 75

CANADA
PRIVY COUNCIL

P.C. 1967-1205

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on June 15, 1967.

The Committee of the Privy Council have had before them a report from the Minister of Justice submitting that His Honour Robert Forsyth, Judge of the County Court for the County of York in the Province of Ontario, will attain the age of seventy-five years on the thirteenth day of July, 1967.

The Committee, therefore, on the recommendation of the Minister of Justice, pursuant to section 26 of the Judges Act, advise that His Honour Judge Robert Forsyth be retired on the thirteenth day of July, 1967, and that he be granted an annuity of \$14,000 per annum, to commence immediately after his retirement and to continue thenceforth during his natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

JUDGES

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Table of Titles to be used in Canada

1. The persons designated in Part I of the following Table shall be styled as set out in that Table.
2. The persons designated in Part II of the following Table are eligible to be granted permission by the Governor General on behalf of Her Majesty to retain the title of "Honourable" after they have ceased to hold office.

TABLE

PART I

- ...
4. The Chief Justice of Canada to be styled "Right Honourable" for life.
- ...
8. The Judges of the Supreme and Exchequer Courts of Canada, and the Chief Justices and Judges of the undermentioned Courts in the Provinces and Territories of Canada:—
 - Ontario — The Supreme Court of Ontario
 - Quebec — The Court of Queen's Bench and the Superior Court
 - Nova Scotia — The Supreme Court of Nova Scotia
 - New Brunswick — The Supreme Court of New Brunswick
 - Manitoba — The Court of Appeal and the Court of Queen's Bench
 - British Columbia — The Court of Appeal and the Supreme Court of British Columbia
 - Prince Edward Island — The Supreme Court of Judicature of Prince Edward Island
 - Saskatchewan — The Court of Appeal and the Court of Queen's Bench
 - Alberta — The Supreme Court of Alberta
 - Newfoundland — The Supreme Court of Newfoundland
 - Northwest Territories — The Territorial Court
 - Yukon Territory — The Territorial Court
- to be styled "Honourable" during tenure of office.
- ...

PART II

- ...
2. The Chief Justices and Judges designated in item 8 of Part I of this Table on retirement.

**Submission from Minister of Justice to Governor General for
Retention of "Honourable" Title by Retiring Judge**

MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

MINISTRE DE LA JUSTICE ET
PROCUREUR GÉNÉRAL DU CANADA

The Minister of Justice and Attorney General of Canada has the honour to represent to His Excellency the Governor General that the Honourable Mark Rudolph MacGuigan, who was appointed a Judge of the Supreme Court of Judicature for the Province of Prince Edward Island and Master of the Rolls, on the second day of May, 1944, will cease to hold office on the fifth day of November, 1967. Mr. Justice MacGuigan has served in this office with distinction and is eligible to be granted permission to retain the title "Honourable".

The Minister of Justice and Attorney General of Canada, accordingly, has the honour to recommend that Your Excellency may be pleased, on behalf of Her Majesty the Queen, to grant permission to Mark Rudolph MacGuigan to retain the title "Honourable" after his retirement.

The Minister of Justice and Attorney General of Canada remains His Excellency's obedient servant.

(Sgd.) P.E. TRUDEAU

Ottawa, October 30, 1967.

(Sgd.) { Approved
ROLAND MICHENER
December 1, 1967.

JUDGES

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Order in council for annuity to widow of judge who dies in office	439
Order in council for annuity to widow of retired judge	440

**Order in Council for Annuity to Judge who ceases to
hold Office at Age 75**

CANADA
PRIVY COUNCIL

P.C. 1967-502

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Administrator
on March 16, 1967.*

The Committee of the Privy Council have had before them a report dated 13th March, 1967, from the Minister of Justice, submitting that the Honourable Charles Edouard Ferland, a Puisne Judge of the Superior Court for the District of Montreal in the Province of Quebec, attained the age of seventy-five years on the second day of March, 1967, and therefore ceased to hold office on that date under the provisions of subsection (2) of Section 99 of the British North America Acts, 1867 to 1964; and

That the said Judge held office for at least ten years.

The Committee, therefore, on the recommendation of the Minister of Justice, pursuant to the Judges Act, advise that the Honourable Charles Edouard Ferland be granted an annuity of \$17,333.33 to commence on the second day of March, 1967, and to continue thenceforth during his natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Order in Council for Annuity to Resigning Judge

CANADA
PRIVY COUNCIL

P.C. 1964-1249

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on August 13, 1964.

The Committee of the Privy Council have had before them a report from the Minister of Justice submitting that His Honour Frank Fingland, Judge of the County Court for the County of Huron, in the Province of Ontario, has become afflicted with a permanent infirmity disabling him from the due execution of his office and has tendered his resignation.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that Judge Fingland's resignation be accepted and that pursuant to the Judges Act he be granted an annuity of \$10,666.66, to commence on the day of his resignation and to continue during his natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Order in Council for Annuity to Widow of Judge who dies in Office

CANADA
PRIVY COUNCIL

P.C. 1967-450

*Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Administrator
on March 10, 1967.*

The Committee of the Privy Council have had before them a report dated 2nd March, 1967, from the Minister of Justice, submitting that the Right Honourable James Lorimer Ilsley, Chief Justice of Nova Scotia, died on the fourteenth day of January, 1967, while holding such office.

The Committee, therefore, on the recommendation of the Minister of Justice, pursuant to the Judges Act, advise that Evelyn W. Ilsley, widow of the said James Lorimer Ilsley, be granted an annuity of \$5,555.55, to commence immediately after the 14th day of January, 1967, and to continue thenceforth during her natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council

Order in Council for Annuity to Widow of Retired Judge

CANADA PRIVY COUNCIL

P.C. 1967-686

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on April 13, 1967.

The Committee of the Privy Council have had before them a report from the Minister of Justice submitting that by Order in Council P.C. 1965-2032 dated the seventeenth day of November, 1965, the resignation of His Honour Joseph Henry McFadden as a Judge of the District Court for Saskatchewan, was accepted and he was granted an annuity of \$10,666.66, effective on the first day of January, 1966;

That the aforementioned Joseph Henry McFadden died on the ninth day of March, 1967; and

That he is survived by his widow, Ellen E. McFadden.

The Committee, therefore, on the recommendation of the Minister of Justice, pursuant to the Judges Act, advise that Ellen E. McFadden be granted an annuity of \$3,555.55, to commence immediately after the ninth day of March, 1967, and to continue thenceforth during her natural life.

(Sgd.) R.G. ROBERTSON
Clerk of the Privy Council