

If they had not chosen to use the money, they had done so deliberately, and with an intention of compelling the House to vote the money without any knowledge of the districts to which the money was to be expended. But this was no reason why the House should give them the power they asked without proper security. The amendment was supported by the acts, the speeches, the votes of the Government, and he defied hon. gentleman opposite to disprove what he said. He hoped that they would agree with the suggestions which came from the hon. member; and he trusted that the hon. Secretary and Commissioner of Public Works would not treat it on any different principle from that which they had themselves, the one by his Act of last session, and the Treasurer in his Budget speech, expressed his opinion it should be treated.

Hon. Mr. WOOD understood the Commissioner of Public Works had made a report of the works, else the Government would not bring down this measure. His Report would be in the hands of members in a few days. The Public Works Act did not provide that the Report should be submitted before the appropriations were made.

Mr. McKELLAR said, no doubt Molesworth's report had been laid before the House, but not that of the Commissioner, and he wished to know which of the works it was proposed to commence.

Hon. Mr. WOOD said there were swamps in Kent, Essex, Perth and Bruce, in which work was to be done out of the appropriations. He would not say how much it was proposed to expend on each of those at this time. There were other swamps which had not been surveyed with the same accuracy as those just mentioned. But when the House should be in Committee of Supply, before the money was granted, the various localities and the amounts to be expended on them would be stated, and the information required given, but now was not the proper time. (Hear, hear.)

A division was then taken on the amendments.

YEAS—Messrs. Baxter, Blake, Boyd, Christie, Crosby, Evans, Fraser, Galbraith, McDougall, Kellar, McLeod, McMurrich, Oliver, Pardee, Perry, Sexton, Sinclair, Smith (Middlesex), Springer—20.

NAYS—Messrs. Boulter, Calvin, Cameron, Carling (London), Carnegie, Cockburn, Code, Colquhoun, Cook, Craig (Glengarry), Craig (Russell), Currie, Ferguson, Fitzsimmons, Graham (Hastings), Grahame (York), Hooper, Laidler, Lount, Lyon, Macdonald, Matchett, Monteith, Murray, McCall (Norfolk), McCall (Elgin), McGill, Read, Richards, Rykert, Scott (Grey), Seccord, Smith (Kent), Smith (Leeds and Grenville), Strange, Swinerton, Tett, Trow, Wigle, Williams (Durham), Wilson, Wood—18.

Mr. McLEOD moved that the Bill be not now read a third time, but be recommitted for the purpose of providing that, except in case of Crown lands, the money shall be advanced to and the work shall be executed by the local municipalities, which shall be taxed and shall pay for the same. He said in expending these large sums, the money should be expended by the municipalities to be taxed for it.

The motion was lost on a division.

Mr. BOYD moved, seconded by Mr. GALBRAITH, that the Bill be not now read a third time, but be referred back to a Committee of the whole House, with instructions to amend the same so as to provide that no drainage shall be undertaken on other than clergy or school lands, unless a majority of the residents, or of the owners of the lands, or of the local municipalities interested, shall petition for said drainage.

Mr. BOYD, in moving this amendment, did not consider that this proposition conflicted with municipal laws. He found the Bill proposed that the municipalities should be called on to repay the money expended in their borders. It would eventually be in this, that those who supported schools and paid local taxation would be compelled to bear burdens which non-residents were not called on to share. Local burdens should be submitted to the people before they were contracted.

The motion was lost on a division, and the Bill was read a third time and passed.

The second reading of the Bill (100). To remunerate certain members of the Court of Error and Appeal, was next called.

Mr. BLAKE said it was understood that the Financial Statement would be made to day, and that no other measure would be taken up before it.

Atty.-Gen. MACDONALD said this was a Government day, and the Government could take their own time to bring down their measures. The Supplies would be brought down after recess they would bring down what measures they pleased on Government days.

Mr. BLAKE said the Government had not kept good faith with the House. The understanding was that the Supplies should have been taken up. He looked upon this as a trap.

COURT OF ERROR AND APPEAL.

Bill No. 100 was then taken up.

Mr. BOYD said no doubt these Judges were not sufficiently paid; but the Parliament of Canada were to pay them, not this Legislature. Last session, the hon. Attorney-General introduced a Bill to pay them a sum of \$1,000 each. From the correspondence between the Minister of Justice and the Attorney-General, it was evident that the Dominion Government wished to have this clause repealed. He thought that the Minister of Justice had pronounced beforehand against the proposition. The Bill was to get rid of a difficulty, but would they get out of the difficulty by the way proposed? The Judges got their salaries as Superior Court Judges, and could not hold their offices in the Court of Error and Appeal unless they had been Judges of these Courts. He therefore moved the following amendment to leave out all the words after "that" and to insert the following: "The Chief Judges of the Court of Error and Appeal are appointed and paid by Canada, and the Judges of the Courts of Queen's Bench and Chancery and Common Pleas are ex officio members of the said Court, which is the Superior Court of the Province of Ontario within the meaning of the British North American Act of 1867,—that this Province is not entitled to pay or to be burdened with the charge of paying the salaries of the Judges of the said Court, and the same

payable by Canada, it is inexpedient that this Province should interfere therewith, and that the same Bill be not now read a second time, but be read a second time this day six months.

Atty.-Gen. MACDONALD referred to the action of last session, the Act which was then passed to increase the salaries of the Judges of the Superior Courts having been, he said, disallowed. He contended that they had a right to pay the Judges of the Superior Courts, not as Judges of these Courts, but for the other duties performed by them. He pointed out last year the necessity of increasing the salaries of all other Judges preventing the Minister of Justice from increasing the salary of the Judges of Ontario as proposed. It could not be said that the Act would prevent the Judges doing their duty, and the amount proposed was for services which were not contemplated by their original appointment. They should put their Judges beyond want, and they required a certain station in society equal to that of the merchant. He asked the House whether it was within the power of those present to keep up their rightful appearance with the salary which they now received. He believed that the same provision should be made for their Judges as was done in Lower Canada. The precedent had been established that if the salaries of the Judges were to be increased, then, it would rest with the Province. All he desired was that the Judges should have sufficient remuneration. He was satisfied, himself, that the House would confirm the Bill. He believed that they would hear no more objections. If the Dominion Government refused to compensate the Judges sufficiently, he saw the justice of the Province stepping forward. That was the view which he took, and which led him to introduce this Bill. The manner in which it was framed gave the compensation to the Judges of the Court of Error and Appeal, and not to the Judges of the Superior Court, and he was satisfied that in that view the Bill would not be disallowed.

Hon. Mr. McMURRICH said there had not been a single voice raised against the Bill of last session. They were not prepared to increase the salary of the Judges, but he thought the present was a false step.

Mr. McKELLAR also voted for the Bill of last year, and he was quite willing to increase the salaries of the Judges, but he would not lend his aid to an illegal act, or to an evasion of the law. He must vote against the Bill, although he regretted very much that they had not the power to grant the increased salary.

Mr. FRASER also voted for the Bill last session, and added that he could not see the distinction that had been endeavoured to be drawn between the Judges of the Inferior Courts and the Court of Error and Appeal. He could not conceive how it was possible for this Legislature legally to add to the salaries of the Judges. The difficulty standing in the way of increasing the salaries of the Judges by the Dominion Legislature was, that, if it was done, the other Judges would have to be treated in a similar manner. But he would prefer that the money should be paid by the Dominion Government, even though they had to pay more. He regretted that he could not support the Bill.

Mr. BLAKE said that no one knew better than he did that the Judges were insufficiently paid, and he should be glad to see them in a higher position. But an Act had been passed upon their attention last session which was illegal, and now the hon. gentleman came forward and proposed something that he said was different, and it was therefore for them to consider whether the proposed Act did obviate the difficulties of the former Bill. With respect to the remark of the Attorney-General, he did not think it impossible that the salaries of the Judges of Ontario could be raised without increasing those of Lower Canada. He could not see, if they assumed as an axiom that the salaries of the Judges ought to be equalized, how they could resist the fact that the salaries of the Judges of the Province of Ontario would be higher than those of the other Provinces. There were 16 Superior Court Judges in Lower Canada, and only 9 in Ontario, whose duties were much heavier and more responsible, and it could not be expected that the salaries of the two should be similar. He thought that the salaries of the Judges of the Province of Ontario ought to be higher. The argument was a reasonable one, and was one to be advanced in the Dominion Legislature. With them rested the power to increase the salaries, and he deprecated this underhand way of increasing the salaries. He objected to this lynch law. It was all very well for those hon. gentlemen opposite who denounced the Confederation scheme as a failure to initiate this sort of legislation; but he, as one who believed we derived great advantages from Confederation, believed even-handed justice would be shown in this case as well as every other where justice was required. He would not so condemn the Parliament of Canada as to believe they would refuse to do justice in this matter. But, beside all that, there was another reason for this House not interfering with the salaries of the judges. Ours was a limited constitution, which, unlike the Parliament of old Canada, was subject to a higher authority. The judges might come into conflict with this Parliament, and it was a wise provision to place them above and beyond the jurisdiction of this House. The hon. Attorney-General might try to get rid of this by saying it was proposed to remunerate the judges for extra services, and not for their labours in the Superior Courts. It could not be looked at in that light. The meaning of Superior Courts was higher courts, and the Act therefore extended to the Court of Error and Appeal. The hon. gentleman said the

Dominion Parliament had no control over this court, but he admitted the fact that the Dominion Parliament had the power of appointing the judges who preside therein. He should support very cordially the amendment of his hon. friend.

Mr. PERRY supported the Bill of last Session, because he did not think the judges sufficiently paid, and because he thought it would be the cheapest way for Ontario, but the Act had been disallowed. The hon. gentleman had introduced another Bill this session, but he should not support any measure that he thought was one of evasion. He thought that

the salary of the judges increased, rather than pass this Act and then have it disallowed. It was a degradation to the House to have its measures disallowed, and, therefore, however anxious he might be to have the salary of the judges increased, he could not support the Bill now before the House.

Mr. LOUNT said the principal thing which seemed to be urged against the granting of this salary, was the idea that their independence might be injured thereby. He believed this was a wrong impression. If it had deuce of it in the past; but he had never been a fact they would have had some evinced upon the ermine of this Province. It would be casting a slur, therefore, upon the bench to refuse to pass this Bill upon this ground. The question was whether they should leave the judges ill paid or pass this Act. He thought that they should adopt an economical policy, and if the extra payment by the Dominion Government would cost the Province of Ontario \$15,000, he thought that the less expensive measure should be adopted. He maintained, firstly, the independence and rights of the Province, and he supported the Bill because he believed that the judges were ill paid, and, secondly, that they ought to pass this Act and pay them by the Province.

Hon. Mr. CAMERON said that all admitted that the Judges of the Superior Courts ought to have additional salary. The despatch announcing the disallowance said that any future Legislation would be considered by His Excellency, the Governor. It was also added that the disallowance was unconditional, and that any further legislation must be by a new Act; therefore, the Government brought in the present Bill. He considered that the Superior Courts did not include the Court of Error and Appeal. He submitted, as a matter of law, that the Judges of the the Courts of Error and Appeal were not Superior Court Judges, and that they had to discharge duties which were not provided for by the Confederation Act. They might have the difficult task of settling election questions, and when they imposed additional burdens upon them they would also have to pay them in addition. They were simply following the advice of the Minister of Justice. It was disallowed against it would be useless, he thought, to again introduce it.

Mr. CALVIN supported the Bill on the ground that it would lead to the better administration, by the Province, of criminal justice.

Hon. Mr. WOOD said that there were 40 judges in the Dominion, and if the hon. member for South Bruce added \$1000 to each of their salaries, what would be the result?

Mr. BLAKE—Who proposed to do such a thing?

Hon. Mr. WOOD said the salaries of the judges of the other Provinces had been increased, and the hon. member himself had voted for the measure. The hon. member for South Bruce advised them to go to the Dominion Parliament for the increase; but had they any right to expect this from the course already pursued.

The House then rose, it being six o'clock. After recess,

RETURNS.

Hon. Mr. CAMERON presented the annual report on Immigration of the Commissioner of Public Works, and the annual report of the Council of University College for 1869.

Hon. Mr. WOOD resumed the debate. He said the Dominion Government could make no distinction in favour of the Judges of Ontario. The other Provinces were jealous of Ontario, and would seek the same privileges for themselves as might be accorded to it. It seemed to him that if this Legislature should impose on the Judges extra duties in connection with our municipal duties—it seemed to him not impossible but eminently just that this Province should increase their wages. He would not argue the question which had been raised that the judges might be influenced in their decisions through receiving money from this Legislature. If this argument were a sound one, it would follow that they should receive no salary at all, for the Dominion Government was just as likely to encroach on the rights of the people as this Legislature. He did not consider it at all likely that they would be in the least biased by the receipt of a salary from this Government. It was admitted by all that they deserved an increase, and he could not see any sound reason for refusing to pay them what they were justly entitled to. He was satisfied the country would feel much more grieved if this Bill were withdrawn than if it were passed.

A division was then taken on Mr. Boyd's amendment, with the following result:—

YEAS—Messrs. Blake, Boyd, Christie, Cook, Evans, Fraser, McCall (Norfolk), McDougall, McKellar, McLeod, McMurrich, Pardee, Paxton, Perry, Sinclair, Smith (Middlesex), Springer—17.

NAYS—Messrs. Cameron, Carling (London), Carnegie, Cockburn, Code, Colquhoun, Craig (Glengarry), Craig (Russell), Currie, Fitzsimmons, Galbraith, Graham (Hastings), Grahame (York), Laidler, Lount, Lyon, Macdonald, Matchett, Monteith, Murray, McCall (Elgin), McGill, Read, Richards, Scott (Grey), Seccord, Tett, Walls, Wigle, Wood—31.

The Bill was then read a second time.

Atty.-General MACDONALD hoped the hon. gentleman would not waste the time of the House in these vain attempts. The hon. members opposite were monuments of mistaken policy. The hon. member for Bothwell had been acting the part of a missionary for years, and he had not learned yet that factious opposition to the Government was not the way to succeed. It was really too bad to be wasting the time of the House now that the session was drawing to a close. It seemed that he had a mission on this earth, and that was to keep the hon. gentlemen opposite in their places. The people did not want this factious opposition. They wanted plain common sense from their representatives, not long-winded speeches on fine points that did not interest the public. He hoped the hon. members opposite would not waste another afternoon as they did to-day in abortive efforts to get the House to undo what it had done last session. It was too bad to raise a technical objection for such a purpose. No other objection could be urged.

Mr. McCALL (Norfolk) rose to a point of order. He wished to know what was before the chair.

Mr. McKELLAR—The Attorney-General is before the Chair, isn't he? (Laughter.)

Hon. Atty.-Gen. MACDONALD continued his remarks. The hon. member for Bruce had asserted that the Minister of Justice had expressed an intention to repeal the clause relating to the payment of the Judges. The fact was that this House was invited to legislate on this subject. But even if this Act should be disallowed, he would feel proud of having at least endeavoured to do his duty. He did not think this House would be doing right to stand quietly and allow the Judges to be treated so unjustly. He left these petty technical objections to the hon. members opposite, and he did not envy the hon. gentlemen all the credit they gained by such a course.

Mr. BLAKE regretted that the time of the House had been wasted by this discussion on the part of the Attorney-General, and should only reply to the remarks which applied personally to himself. It had been charged against him that he had been guilty of concealment, but he thought the charge was altogether absurd, the correspondence alluded to being published in all the papers two days after it was presented to the House. He had discussed the question upon its merits, and not with reference to the remarks of any man. The Minister of Justice, however, did not mean this passage to be at all construed in the manner in which it had been read by the Attorney-General. It had been held that it was unconstitutional to withhold information from the knowledge of the House of anything which affected the welfare of the State. But he charged the Attorney-General with having done so. He had endeavoured to obtain votes in support of his Bill by stating privately to members that he had assurances from the Minister of Justice that he would not disallow this Act.

Atty.-General MACDONALD—I deny that.

Mr. BLAKE—The hon. gentleman stated that to myself.

Atty.-General MACDONALD—It could not be so.

Mr. BLAKE—Why, you stated it also to my friend by my side.

Atty.-Gen. MACDONALD—I merely said that on the strength of,

Mr. BLAKE—I do not know what the strength was; I only know your statements.

Atty.-Gen. MACDONALD—I again distinctly deny it. I will have nothing to say to the hon. gentleman on that side again.

Mr. BLAKE—We do not say much to each other now. But I repeat that I had the assurance from the hon. gentleman's lips, an intimation which he ought not to have made upon the floor of this House.

Atty.-Gen. MACDONALD—I cannot allow these statements to go uncontradicted. I said this to the hon. gentleman, that I had an intimation made to me that the legislation upon this matter would be considered. But that I said what he asserts, I deny it.

Mr. BLAKE—The expression the hon. gentleman used was that "they would wish at it." This statement he has used throughout the whole House.

Atty.-Gen. MACDONALD—I cannot and will not address gentleman over there.

Mr. BLAKE then proceeded:—The hon. Attorney-General had frequently taunted him with his inexperience. The hon. member might have shown more generosity. But he (Mr. B.) did not ask for his generosity. He did not desire such experience as that of the hon. member. He did not desire to follow a party for twenty-five years, and then desert it. (Cheers.) He thanked God that the experience was not his, and he prayed that his tongue might become dumb, and his right hand refuse its office, if he ever merited the character or gained the reputation of the hon. Atty.-Gen. Macdonald. (Great cheers.)

The matter then dropped.

SUPPLY.

Hon. Mr. WOOD then rose to move that the House should go into Committee on Supply. In doing so, he said, after the storm the House had just seen, it would be well to have a calm. In rising to move that the Speaker leave the chair for the purpose of allowing the House to grant a supply to Her Majesty, it was supposed that he should make some observations, although from the returns which he had brought down to the House respecting the financial affairs of the Province, and from the fact that it was not designed to impose any new taxation on the country, it seemed almost superfluous that he should say anything respecting the financial standing of the Province, which must be almost as well known to every hon. gentleman in the House as to himself. This appeared all the more so from the full, and he hoped, very clear manner in which he had endeavoured to bring down the estimates and present them to the House and the country. However, it appeared to be expected that an occasion like this, the person having charge of the finances of the Province should make what was called the budget speech, or the financial statement. In the Dominion Parliament there was perhaps more necessity for such a statement than in this House. Here, where our sources of revenue were limited and well known, a clear statement of the financial accounts would enable hon. gentlemen to understand the state of the finances of the Province almost as well, if not quite as well, as any explanation that could be given verbally on an occasion like this. However, he complied with the general custom, and in the first place he would call the attention of the House to the fact that we had been now for two and a half years an independent Province, having a Parliament of our own, and, therefore, we had two and a half years' experience in our finances. In the year 1867, the commencement of our separate existence, this Province along with the Province of Quebec were said to be in financial difficulties. No doubt, more or less, that was true; but from the arrangements resulting from Confederation, this Province commencing its own individual existence on the 1st July, 1867, down to the present time we have had one unbroken course of prosperity. When we consider the fact that we had to begin everything anew, new offices to establish, new machinery to put into operation, five different Departments to organize; when we considered the further demands of these, with the other necessities