

of Supply.

Mr. MILLER moved,

That the sum of \$13,000 for the payment of Superior Court judges, under the authority of 33 Vic., cap. 5, of the Statutes of Ontario, in addition to the salaries paid them by the Dominion Government, be struck out.

Mr. GIBSON thought the item was somewhat of an anomalous one in the method of its payment. He was inclined to support the motion of his hon. friend from Muskoka.

Mr. MOWAT said the item had been voted every year for the last ten years, and no vote that could be taken in Committee would affect the question. The gentleman making the motion would have to give notice to repeal the statutes if he wished to have the payment done away with.

Mr. WOOD did not desire to interfere with the debate, but thought there could be no vote taken to-night, as it was not desirable to pass upon the item in so thin a House.

Mr. LAUDER said that the hon. member for Muskoka had heard the matter discussed many a time, and it was only in this, the last session before going to the country, that he moved in it. He did not believe that the hon. member was in earnest in his motion. (Hear, hear.)

Mr. McMAHON had opposed the motion to pay the judges the extra \$1,000 when it was made law, and he opposed it still. The Dominion Government had the appointment of the judges, and he did not think it right that the Ontario Legislature should be called upon to vote money for the payment of those over whose appointment they had no control.

Mr. MILLER said that one of the first principles laid down by May was that the representatives of the people had control over the expenditure of the public money. The resolution had not been moved by him with any view to the elections; on the contrary, it would not make the slightest possible difference to himself in that respect. He did not think that the Superior Court judges were overpaid, but he held that the people of Ontario had no right to pay the money. Notwithstanding the fact that he would have to vote against the Government in the matter, he believed that he was fulfilling his duties to the country in doing so.

Mr. HUNTER had yet to learn that the office of judge was forced to go a begging, and was sure that competent men could be obtained at a much less salary than was now paid. He thought the present time a proper one to express his opinion upon the matter, and would be prepared to support the resolution.

Mr. CREIGHTON thought that the motion was somewhat of a buncombe one, for the reason that the present was not the proper time to make the reduction. If it were decided, now, to strike out the item the judges could compel the Government to pay the amount, as it would still remain upon the statute book.

Mr. LAUDER taunted the hon. members for Muskoka and South Grey with having no intention of voting against the Government, and characterized their remarks as buncombe.

Mr. MERRICK said that the sum appeared in the estimates, and members of the House were called upon to express their opinion on the appropriation, and if that opinion were adverse a Bill would have to be brought in to repeal the statutes in that regard. He did not know what authority the Attorney-General had for assuring the judges that the sum would continue to be paid them. He would say nothing derogatory about the judges, but he contended against the principle that the people of Ontario should be called upon to pay the salaries of gentlemen whom the Dominion Government appointed.

Mr. MOWAT thought hon. members extremely hasty in taking objection to the item, and that those on his own side who were advocating its striking out were doing so without giving the matter sufficient consideration. Ten years ago Mr. Sandfield Macdonald considered it necessary that the Superior Court judges should be paid a larger salary, and the question was then raised as to the constitutionality of the course, and whether it was not a matter for which the Dominion Government should

provide. That question had been decided upon then, and successive Governments since had all agreed in granting the amount. It was entirely contrary to all sound and constitutional usage to diminish the salaries of the judges when they had been once given them. There was no principle more generally recognized than that, and it was thought so important that in some American constitutions an express provision was embodied that no judge's salary should be diminished during his incumbency. It was an important principle, and one tending to uphold the independence of the Superior Court judges, than which there was nothing more important. A thousand dollars a year, or ten thousand dollars a year, was nothing in comparison to the independence of the Bench. The statute granting the \$1,000 additional had been left on the statute book untouched since 1873; the Government had been acting under it, and if there was anything upon which judges could rely it was upon the payment of that sum. He submitted to his friends upon both sides of the House that it would be an unjust and an unwise thing to strike out the item. Those who had given attention to the matter knew that the salaries of the judges in Ontario could not be raised without those of every other Province being similarly raised, and he contended that as Ontario paid a larger share into the Dominion treasury than any of the other Provinces, it would be much cheaper to continue paying the \$1,000 for special work done than to have the amount assumed by the Dominion. It was also a matter upon which in the interests of the public it was not expedient that there should be unnecessary debate. He thought it absolutely essential that the item should be passed, and he had no hesitation in saying that he attached as much importance to it as to any other item in the estimates. Hon. gentlemen in voting upon the matter would therefore know that that was the stand he took upon it.

Mr. SINCLAIR said that if anything would show how different were the present Opposition in the House from the party led by Hon. John Sandfield Macdonald it would be the present debate. This increase had required all the influence of that hon. gentleman to carry it against the opposition of the Reformers. When, however, it was carried, both sides agreed to let it stand. He supported the position taken by the Attorney-General. Political capital would no doubt be made against some hon. members in such votes as the present, but it was his desire to do what was the best for the country rather than shelter himself against charges in connection with them. He believed the leader of the Opposition, having suggested this question first, was responsible for the objection to voting the amount.

Mr. MEREDITH was willing to carry any responsibility which naturally fell to him in this matter, but claimed all he said was that it was a subject for consideration, and he said so still. This was a question, however, which did not properly come within the Supply Bill, and should not be voted upon.

Mr. BETHUNE said he felt satisfied that if hon. gentlemen considered the question a little while they would not vote for the motion of the hon. member for Muskoka. They were not there as a number of children to attempt to make capital out of one or two votes of this kind and then refuse to follow them up with legislation. He had no doubt all hon. members who spoke upon the point were perfectly honest in what they said, but it was, he thought, quite unfair that any hon. gentleman should speak words such as those which had fallen from the hon. member for Northumberland. That gentleman had said that the members of the legal profession in the House were afraid to speak against this item because the judges fixed their fees in the Courts. The tariff of fees was formed in the interest of the client, for the counsel had a right to charge a sum such as his client would pay. This was a question deeply concerning the laymen of the House, for it would be a blow to the country if this reduction were effected contrary to the contract which had virtually been entered into with the judges during the life of the latter. How was it the judiciary had taken such a place in the affections and respect of the peo-