

Some Practical Considerations.

Now when these officers are paid by fees there are several advantages in addition to the one I have mentioned. If an officer is paid by salary he confines himself pretty closely to office hours, and does not feel it to be his duty to transact business outside of those hours. Now where the parties wish it they will sometimes work till 12 o'clock at night, and that is a very great advantage to the public. While the salaries paid would be in some form a commutation of the present fees, the probability is that the amount the Province would receive in fees from parties would be reduced so as to leave a greater expenditure on the part of the Province than is necessary at present. My hon. friend admitted this and made it an argument in his own favor. He said the fees charged were excessive and that less would be received were the fee system adopted. The House will observe that it is not to be assumed that the receipts under the new system would be what they are now. On the contrary, it may be assumed that they would be much less and it will be remembered that my hon. friend read from a letter a statement by an officer who was in circumstances to enable him to judge, that the disbursements would be much larger. Whatever may be said in favor of the change, it is not a change that would result in a financial gain to the Province, which my hon. friend in other parts of his speech indicated that he expected. I know officially two or three facts which illustrate this further. We are authorized to commute the fees of surrogate judges. At first we began to commute upon the basis of the receipts by fees for one year. We assumed that the country was going to advance and business increase (the N.P. had not been introduced at that time I believe) and that this would be a perfectly fair basis. When we had commuted a very small number of them we found the receipts immediately grow less than before commutation. This happened in every case in which we commuted on the basis of a year. We stopped that and adopted the method of taking an average of four or five years, thinking that would be perfectly safe. But in only one or two cases has the income from fees continued to be as large as before commutation. This is in the case of judges, who are honorable men. The difference arises simply from the different way in which fees are regarded when they go to the individual himself and when they go to the Government. We commuted the fees of a few of the local masters also, and in every one of these cases we have had the same experience. The House may be certain that the receipts under the salary system could not be counted upon for the same as before the change was made. As the hon. gentleman has said, in some States they pay similar officers to those named in the motion by salary, but in some they pay by fees still. He has mentioned the case of the City and County of New York, but I find that in the State of New York generally the sheriffs are paid by fees and in most parts of the State the registrars are remunerated in the same way. In some other States the same. In our own British Provinces they have continued the fee system—in New Brunswick, Nova Scotia and Manitoba. Why has the system been continued? Because it is perceived that it gives remuneration according to the amount of business done. (Cheers.) My hon. friend says that under a salary system the officers would do their own work. On the contrary, I have no doubt that under the salary system there would be more deputising of their duties than under the present system. My hon. friend has referred to the fact that in some cases deputies perform the duties of the registrars, and he contends that the fees are excessive. The deputy registrar gets the fees the registrar would get, and we never leave a registrarship vacant unless the deputy is a competent man. The hon. gentleman refers to some cases in which we pay by salary. He has instanced some of the masters. All, or almost all, the masters are urging commutation, but it is only now and then when there are special reasons for it that we allow the commutation. He says we have appointed an inspector of legal offices who is paid by a salary. But there is no basis upon which he should be paid by fees. In the case of Mr. Hoskin, the official guardian, the fees of the office being very large, we made an arrangement for a salary. The office is a peculiar one; it is, to a large extent, a judicial office. To a very large extent this office is the adviser of the court with respect to the estates of infants. The office is peculiar to this country, and we must rely upon our own experience to learn the best way of dealing with it. It will be found that extremely few of the registrars and sheriffs receive more than \$5,000. There is a system of

taxing the salaries of registrars, graduated from nothing on an income of \$2,500 to 50 per cent. on \$4,500. If a salary of \$3,000 is deemed not excessive, it is only where the gross income is over \$4,500 that the question of excessive income could arise. In Toronto the expense of living is greater, and the salaries paid by private firms and public companies and by the municipality are large in many cases, and some additional allowance should be made for the officers in the city. I noted a few facts which it may be convenient to mention. My hon. friend spoke of the sheriff of Toronto. I am not going to say much about that, but I may mention the sums received by the former sheriff, a good Conservative, and I never heard anybody raise objection to them. In 1883 his income from his office was \$9,610; in 1884 it was \$9,796; in 1885, \$8,761; and in 1886 it was \$9,876. There are fluctuations in any of these offices. For instance, in the last few years there has been a boom in real estate and it has increased all sorts of business in the meantime. That boom, I suppose, no longer exists, and the fees of the offices have fallen greatly. In one case, the facts of which I happen to know, the fees of the first quarter of the present year were only one-half the fees of the corresponding period last year. Pay a salary and it makes no difference in the expenditure what the business may be. Now it is rather interesting when we are considering this matter to notice some of the facts in relation to salaries paid by business institutions and by the Corporation in Toronto. I believe the cashier of the Bank of Commerce and the cashier of the Bank of Toronto have for some time past been receiving \$15,000, and it is said the former has recently had a considerable advance upon that amount. The cashier of the Standard Bank receives \$12,000 and the cashier of the Dominion Bank \$11,000. The manager of the Canada Permanent Loan & Savings Company receives \$10,000, the Toronto manager of the Bank of Commerce and others \$8,000. Mr. Mowat quoted also a number of other salaries running down to \$4,000, and proceeded:—In these offices there is not the same kind of responsibility that our officers have. In case of a loss, if there is no misconduct they are not required to make it good. My hon. friend spoke of the sheriffs as having great responsibilities and seemed to think the registrar had no responsibilities. I do not agree with him. If a mistake is made in an abstract and through that error loss occurs to the party, the registrar is responsible. The reason why so few such errors take place is because of the great care which the registrars must take to prevent them. The conclusion the Government have come to in view of all the experience they have had (and they have the best opportunities to judge) is that the fee system is the better of the two, and that so far as the sheriffs are concerned the salary system is inapplicable. (Cheers.) The salaries of some of these officers are too large, and that is occupying our attention. The proper way is to tax the surplus in the same manner that the gross earnings of the registrars are taxed. We have no scheme to lay before the House this session. We are not ourselves in possession of the facts necessary, and all I would say is that the matter is occupying the attention of the Government, and we may have a measure on the subject. I hope the House will see that the motion is not one that ought to be adopted.

Mr. Clancy.

After recess Mr. Clancy took the floor. He maintained that the hon. member for North Hastings had made out his case. The country must feel a good deal surprised at the statement made by the Attorney-General that afternoon. The hon. gentleman, he was afraid, had been prevailed on by bad counsel, and went so far as to say that he was the slave of his own officials. The officials had been consulted throughout the country. The hon. gentleman had conferred and consulted with those officials, and in a moment of weakness he had yielded to their influences. It was perfectly clear that whatever excuse the hon. gentleman and his colleagues made he had no intention of making a change until he was forced to make it. Unless the newspapers had drawn attention to the system there was no doubt it would have been continued. The Attorney-General had in defending the system in the afternoon pointed out that the officers filling the larger offices were liable for what might occur in those offices and were personally liable for the chances of errors; but he (Mr. Clancy) contended that responsibility in the case of the men holding the smaller offices was just as great as in the case of those holding large ones. Then the hon. gentleman's reference to the hon.'s was rather far fetched. He had pointed out that the bank managers were receiving from \$4,000 to \$15,000, but surely the two cases were not the same. The bank manager must be a man of large business experience and special training; but nobody could pretend that such was the case as regards the sheriffs and registrars. Having tried to combat the Attorney-General's remarks upon some other points Mr. Clancy expressed an anxiety to know what position the Treasurer now held touching this question—whether his advice had been solicited by his colleague and whether he had, so to speak, eaten the leek. If the Government thought the people were blind to this the hon. gentlemen were counting on a very unsafe thing, seeing that the question had been so fully discussed in the press.

