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VOLUME I.

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

From the Head Quarters.

DEBATE ON JUDICIAL SALARIES.

(Continued from our last.)

Mr. BARBARIE thought it unfair that a particular class of public officers should have been singled out for reduction, either present or prospective. He thought it would have been but fair that in a measure of this nature the Government should have travelled round the entire circuit of public officers and made a proportionate reduction in each salary. The people cry out for reduction, and the government say we will reduce, but it cannot be done yet. This was not the way to legislate to benefit this country. Let them look at the merchant, the mechanic and the farmer, they were all reduced, let them therefore apply a reduction of the public salaries all round. This bill gives no immediate relief, and before the reductions which it contemplates will take place, one half of the present generation may be in their graves. There was a severe pressure from without, and the government in this exigency interposes the salaries of the Judges as a measure of relief, and that relief not immediate either; but there was no question but they must yield to the circumstances of the times, and it was already high time that something should be done to lighten the burden which the people have to bear. The hon. and learned member says that they would be flying in the face of a despatch to legislate on the immediate reduction of salaries. He (Mr. Barbarie) did not think so, provided they served all alike. It might be flying in the face of a despatch to single out a single individual as they had done the other day for a reduction, or a few individuals as they were now doing, and reduce their salaries and leave all the others untouched. But if all were placed on an equal footing, and the government made aware that the scale of salaries was amply sufficient to remunerate the respective officers, and quite as much as the people of this country could pay, he thought there would be no difficulty in getting Her Majesty's assent to the measure. In this belief he had prepared an amendment, which he would move at the proper time, to include other officials in this bill, and he thought it would fit in nicely. There was the hon. Attorney General with a salary of £600 per annum. Now as this office gave him a high standing in his profession, and placed him in fact at the head of the bar in this province, that was an office which brought other business to his office, and must materially increase his private practice. He thought, therefore that under all the circumstances £400 a year was amply sufficient for that office, and by this means he would propose to save a couple of hundred pounds to the country immediately. That would be something to begin with. There was also the Solicitor General, whose duties he had some difficulty in defining—he could never fully discover what that officer did for the salary he received—he would therefore put him down at £50 per annum, and thus effect another saving to the country. That also would fit in well in the present Bill.

Mr. R. D. WILMOT thought that the time had now come when the present salaries of public officers must be reduced, and he was sorry to hear the language which the hon. the Attorney General held with respect to these salaries. They had heard several quotations from public despatches in support of vested rights, but if these doctrines formed a part of the policy of the present government he should certainly oppose them and go for the amendment to the present bill. Let them look at the state of the tax payers; and those who could formerly afford to live at the rate of five or six hundred a year, they were now obliged to curtail their expenses within less than £200, every one was obliged to retrench and he saw no reason why public officers should not be obliged to retrench also, and their salaries brought down to suit the altered circumstances of the country. The law expenses of this country had become a burden too grievous to be borne. It was not as if people went to law with the same feelings as they went to a cock-fight, and contended only for the sake of coming off conqueror, but people, from absolute necessity, were forced into the hands of the lawyers; they could not dispose of their property—the circulating medium was drawn into the banks—they had no means of relieving themselves, and were consequently obliged to let their property be sacrificed by the Sheriff. It was not the salaries of the Judges, but the long bills of cost, which no one could tell anything about, unless the amount of the figures at the bottom, which was grinding this country to pieces, and it had

cost him (Mr. W.) at least £2000 to foot those bills within the last few years. He would rather now take one half the amount of a bill than go to law to recover an honest debt. This was a deplorable state of things, but it was not to be expected that a people in such a condition would not complain when they were taxed to support salaries incompatible with the means of the country.

Mr. CONNELL agreed that the salaries of the present officials were, many of them, much too high, and that the present state of the country demanded an immediate reduction; entertaining those opinions he would support the amendment of his hon. friend, the learned member from St. John (Mr. Ritchie). He would allow the Chief Justice £700—the Puisne Judges £600—the Master of the Rolls £600, and the Attorney General £400; this latter sum he thought quite enough for that officer as his fees were very high. (From the Attorney General—"Will you please tell me where they are?") He could not point out distinctly where they were, but he had always understood that the fees of the Attorney General amounted to a very considerable sum yearly, and he could tell the present learned Attorney General that the country had fully expected from his previous political sentiments that he would have come forward and made a voluntary surrender of one half of his salary; he had formerly been the loudest in his denunciations against the payment of high salaries, but latterly he had turned entirely round the other way, and now talked of vested rights. The Solicitor General he would allow £300, as that officer did not possess the privileges of the Attorney General. The Provincial Secretary he would allow £500, which he thought quite sufficient. The Surveyor General at present received £1400, which he looked upon as an outrage, so enormous a salary should no longer be suffered to exist. He did not wish to apply his remarks to the present officer at all, it was his salary he wished to get at; £500 he considered amply sufficient for this officer. The Treasurer he would put down at £500. The Auditor General he would allow £300; the duties of that office could be well performed by one man, and £300 would be enough. The Receiver General was of no earthly use, and that office should be dispensed with at once, either of the banks would be glad to receive the money, and take care of it free of charge. He had expected to see the Government come down with a broad and comprehensive scheme embracing all the different public officers, but in this he had been mistaken, and the present bill, entirely prospective in its operations, was he supposed all they should get upon this subject. He had no further remarks to make at present and would support the amendment.

Mr. BROWN said this purported to be a bill for the reduction of Judicial Salaries in this Province, and it was a remarkable feature in this debate that they all agreed, with only one single exception, that some reduction in these salaries was necessary. There was, therefore, no disagreement on principle between the promoters of the Bill and the opponents, but what they disagreed upon was a question of mere expediency and so far as he could yet perceive, they were still hemmed in by despatches just as effectually as they had been, when, in former days, the question of a reduction of salaries borne on the Civil List came up.—The doctrine of vested rights was still adhered to in those despatches, and there was nothing whatever before that House or before the country which would induce him or the country to believe that these salaries were not as effectually hedged in as before the passing of the Civil List Act. In the first place, when the bargain was made the Casual and Territorial Revenues of the Crown yielded about £20,000 a year on an average of several preceding years. When the delegation went home, they had made an agreement with His Majesty's Government for the surrender of those Revenues by securing to the Crown a Civil List of £14,500 a year. At that time this was the best bargain they could make, and they were glad at that time to obtain the surrender even on these terms, and it had taken no less than three delegations across the Atlantic to accomplish this object. Even at that time there was a popular clamor raised—he hardly knew how—against this agreement, and he well recollected being threatened with the displeasure of his constituents for having voted for the Civil List Bill. But that clamor soon passed away, and the Province quietly took possession of the Crown Revenues, and obtained the control of the Crown Estate, having to pay £14,500 per annum while they were receiving in return £20,000, and up to this time they had, notwithstanding all the changes of system and chances of loss, been still the gainers by at least £110,000. His hon. friend the Surveyor General said £150,000. There was £40,000 of difference between his hon. friend and himself in their calculations, and how he obtained his result he did not

know—it was perhaps by including the export duties. At that time hon. members of that House, and indeed the country generally, were well aware how sacred the salaries borne on this Civil List were viewed by Her Majesty's Government, and he could not see that the aspect of things in this respect had been materially changed. They would all remember how earnestly desirous that House and the people of this country had been to have the salary of the Provincial Secretary reduced. It was then sixteen hundred pounds instead of six, the salary which the present Hon. Secretary received; but notwithstanding all these efforts, and all the consideration bestowed on the subject by succeeding Secretaries of State, it was finally declared in the language of one of these despatches, that from this difficulty there was no means of escape, and the Secretary was permitted to end his days in the enjoyment of his salary. He was still very much afraid that the rule which had been so rigidly adhered to in that case would be as strictly sustained in the present instance, and he would by no means peril the present Bill by introducing any such amendment as the hon. and learned member from St. John had offered. They must not attempt to go ahead too fast, and by that means prevent the country from getting ahead at all. This Bill, in its present shape, would be almost sure of accomplishing something, but embarrass it with that amendment, and it was almost equally sure of producing no beneficial result whatever.

Every one knows that he was as anxious to effect a reduction of these salaries as any hon. member on the floor of that House, or any man to be found in the country. He had long ago proposed £300 a year as a competent salary for a public officer, and he had got heartily laughed at for his pains. He still thought this sum a handsome provision for a person whose station required no extraordinary outlay; and he was not sorry to perceive by the vote the other day on the salary of the Clerk of the Pleas, that a majority of that House now concurred with him. There was not so many now who were ready to laugh at £300 a year.—Let them pass the present measure, unincumbered with any amendment, it then would in all probability pass the Legislature and go home with a suspending clause, and finally receive the royal assent and become the law of the land. If they did this, they would have gained at least something, and if it were deemed advisable to follow the passing of this act by another measure, he would cordially join with his hon. friend on his right, (Mr. Wark) in an address to Her Majesty for the reduction of the amount of the Civil List. His opinion was, that a Civil List of £10,000 would, by-and-by when all public salaries were reduced to their proper standard, be a sufficient provision to enable Her Majesty to pay these officers well for their services. This Bill proposes to reduce the Judges respectively to £600 a year, another hon. member had spoken of £500 a year for the Puisne Judges, and the hon. and learned member from Northumberland contended that they were reducing the salary while they were increasing the work; and his hon. friend from St. John, (Mr. Woodward) was for allowing them to retain their fees and the more they worked the better pay they got. But they were both wrong. For in the first case the Province should not expect a greater amount of labor from a public officer than was reasonable, whatever the amount of his salary might be; and in the second case, they ought to leave the fees as they were, but increase the number of Judges, and pay the new one by the reductions and savings, otherwise they might work their Judges to death. He repeated that he would oppose any amendment to the present Bill. Let them, if they really wished to do good, pass the measure as it is, and whatever they wished to do respecting present salaries, let them do it by a separate Bill, or by an address to Her Majesty as had been proposed. He had already stated that three fifths of the territory they had expected to get by the Civil List Bill, had been given up to the Americans, and this, he thought, would be strong ground on which to frame an address. He hoped they would now go on with the Bill and pass it, taking care not to be led astray with the vain hope that if they introduced the proposed amendments it would be permitted to become a law, but relying on its reasonableness in its present shape, let them not lose sight of the good which they were almost sure to effect, and proceed on the more difficult ground of immediate reduction in some other way.

Mr. BAILLIE said, that he would not have troubled the committee with any remarks of his on the present occasion, had it not been that he was anxious to correct an erroneous impression which seemed to prevail with respect to the bargain which had been made with the home Government at the time of the surrender of the Casual and Territorial Revenue. He would assure hon. members that