

Mr. FITZPATRICK. He can hardly be, for, on looking over my list, I see the name of J. M. Eilbeck as deputy sheriff. He is the son of the sheriff.

Mr. FOWLER. Mr. Eilbeck had a long leave of absence, had not he?

Mr. FITZPATRICK. No, he did not get it.

Mr. FOWLER. In this vote there is an item of living allowance of judges at \$5,000 each. This question was up last session, and the minister said that the allowance would be done away with. At least, in answer to criticism of mine he said it was unnecessary and ought to be done away with. The expense of living in the Yukon is not so high as it used to be, and not so high in comparison with other places as to justify so large a sum being paid by the country for living expenses. Judges in other parts of the country pay their own living expenses. If the salaries paid judges in the Yukon are not sufficient, let them be increased instead of giving a living allowance.

Mr. FITZPATRICK. The judges in the Yukon are paid \$5,000 a year, the same as the judges in the High Court in Ontario and Quebec, and are also paid \$5,000 each as a living allowance. My objection to adding anything to the salary is that it may be found inadvisable to have three judges there, while one may be needed elsewhere in the Northwest Territories. If the salaries were at a larger rate than at present, and we wanted to move one of the judges of the Yukon to fill the new place, a grievance would arise if his salary was not continued at the same rate. When a judge is appointed at a certain salary it is very inconvenient to lower that salary.

Mr. FOWLER. Is the salary attached to the judge or to the position?

Mr. FITZPATRICK. To the position.

Mr. FOWLER. Then, if a judge is no longer judge of the Yukon, he would no longer receive the salary of judge of the Yukon. If he were transferred to Ontario he would receive the salary of a judge of the same rank in Ontario.

Mr. FITZPATRICK. It might be considered to be, to some extent, an interference with the independence of a judge if, being appointed at a fixed salary, he were liable to be removed to another place at a smaller salary. He would hardly be in the position of a man who felt himself independent of parliament in regard to his salary.

Mr. FOWLER. Would not the same apply to his living expenses?

Mr. FITZPATRICK. No, that might vary according to the locality.

Mr. STOCKTON. That would be a yearly allowance?

Mr. BERGERON.

Mr. FITZPATRICK. Yes, a yearly allowance voted by parliament each year. If the conditions change so as to make the vote unnecessary, there is no reason why it should be continued.

Mr. BERGERON. These judges, I imagine, would not be changed without their own consent?

Mr. FITZPATRICK. No.

Mr. BERGERON. And I suppose they would not consent to a change, because I think they are receiving higher salaries than any other judges. When this allowance was given, years ago, I thought it quite reasonable. But I am told that the expense of living in the Yukon is not nearly so high as it was, and so this living allowance is a great deal too much.

Mr. FOWLER. There is not the slightest doubt that the expense of living in the Yukon has greatly decreased. Last session we had a discussion, and this fact was admitted, and no reasonable excuse was given for this allowance. As I understand it, they have all the comforts of civilization in the Yukon, and there is little difference in the cost of living between the Yukon and the Northwest Territories. I do not think there would be any difficulty in finding gentlemen to fill the positions of judges if this allowance for living expenses were cut out altogether.

Mr. MONK. What is the rule which prevails in regards to living allowances? I see that the judges get as much for living allowance as for salary? I understand that they live in Dawson City and that there is not circuit work.

Mr. FITZPATRICK. Of course the expense for circuit work would be under the head of travelling allowance.

Mr. MONK. It seems strange that they should get as much for living allowance as for salary, and the rule seems to apply to the other officers of the court—each officer has a living allowance. The sheriff gets \$4,000, as does the clerk of the court, and each has a living allowance. So have the deputy sheriffs, assistant clerks, police magistrate and stenographers of the territorial court. And the Crown prosecutor—besides very considerable remuneration—I think that last year he received between \$7,000 and \$8,000—has an allowance for expenses.

Mr. FITZPATRICK. Not a living allowance.

Mr. MONK. I suppose that under the conditions that prevail in the beginning an allowance is necessary. But what is the rule now? Is the same thing allowed for the stenographer or for the sheriff as for the judge?

Mr. FITZPATRICK. No, the living allowance for the sheriff, police magistrate,