

Sir LEONARD TILLEY. It is not in the Estimates yet.

Mr. ROSS. He is a very expensive officer. He has cost \$18,000.

Sir LEONARD TILLEY. Oh, not \$18,000.

Mr. ROSS. Well, it was nearly \$18,000 last year.

Sir LEONARD TILLEY. It was \$14,000.

Mr. ROSS. We paid \$10,000 for his salary; \$4,000 for house rent, &c.; nearly \$2,000 for travelling expenses, not including \$1,500, which, I think, was charged to Capital Account on Dominion Surveys; and now \$2,000 more to get this expensive officer back again. I hope that the hon. gentleman will keep him still when he gets back, and not send him to Manitoba on another tour, the expenses to be charged to Capital Account. The hon. gentleman should really give him a rest, and us a little rest too; but then I suppose, we have to pay somebody else in his place, to get him there and to bring him back again. I think that the next time we get a High Commissioner we will have to get the hon. gentleman to make arrangements for him to stay there.

Sir LEONARD TILLEY. We will have to make arrangements with the hon. gentleman when he goes there.

Mr. ROSS. I am not open to a communication of that kind—under this Government, at any rate. The next High Commissioner we send to England, I think we should send him there forthwith, and it is to be hoped that he will stay there for a long time for the cost of peddling these men backward and forward to England is a source of considerable expense.

233. Administration of Justice—To pay S. Richards for holding certain assizes in Ontario..... \$461.50

Sir JOHN A. MACDONALD. Mr. Richards held these assizes in Hamilton in 1872. Part of the time he held them for the Judges' convenience, but for another portion of the time it was not, as for fourteen days of the time no Judge was available, and for twenty-nine days he was paid nothing. He also held the Guelph fall assizes in November, 1875, sixteen days, no Judge being available for the work. It was held that though it was proper, as a general rule, that barristers should not be paid for performing these judicial services, yet as no Judge was available, Mr. Richards, should be paid this amount.

Mr. BLAKE. As I stated the other day, when the question of another Judge was being discussed, the rule was not to pay for the holding of assizes for the performance of judicial work by other persons in lieu of the Judges. This work is never done by barristers, except only when no Judge is available, in which case a Queen's Counsel is asked to do the work, and does it. I suppose several Queen's Counsel have, at different times, done that work to oblige a Judge. I know I was asked once myself to do it, and I did it, but I never thought of either taking the circuit allowance or making any claim upon the Government for it. If you once begin the plan of paying barristers for doing work which would ordinarily be done by arrangement with the other Judges there will be no end to accounts like the present. It is a wholesome arrangement which we have now, namely, when a Judge demands a leave of absence the Judge or Chief Justice has to see that efficient arrangements are made for the administration of justice in his absence. These things are managed by mutual arrangement, the Judges undertaking the work as far as possible or a Queen's Counsel is engaged, and always I believe gratuitously, or, as it would appear from this case, on his obtaining certain allowances. Now for the first time since Confederation it is proposed that we should pass a vote paying a Queen's Counsel for doing the work of a Judge upon circuit. As

Mr. Ross (Middlesex).

some of the circuits are long and some are short, a stated sum of \$100 is allowed for each. It is given on the supposition that there will be an average compensation all around; but if the suggestion is made that the barrister, when the Judge is away, shall do the heavy work while the other Judges shall receive the light circuits, and the allowances it will follow, of course, that we will have a vote of this kind on every occasion when a Judge leaves in future. If you allow the principle that if the Judge is not available, and that the expense of the barrister who acts on the Bench is to be paid, not by the Judge who gets the leave of absence, but by the country, you will find that Judges will not be available and we will have these votes frequently brought before us.

Sir JOHN A. MACDONALD. I believe, as a general rule that these amounts will not be claimed; but in this case the application was made, and I did not see how we could well refuse to pay it. I think, however, that the Department should let the Judges know that unless when special permission is given, or a special request made by the Minister of Justice, counsel who perform the duty of a Judge must look to the Judge for his share of allowance.

Mr. BLAKE. This gentleman did not perform the work at the request of the Department, and we have no contract with him whatever.

Sir JOHN A. MACDONALD. Yes, that is true.

235. Penitentiaries—Prince Edward Island..... \$4,075.20

Sir JOHN A. MACDONALD. This is a claim made by the Province of Prince Edward Island for the accommodation of penitentiary convicts. There is no penitentiary on the Island, and long-sentenced prisoners were confined *ex necessitate* in the county gaol at the expense of the Province. The Province made a demand of some \$12,000, but on the report of the Inspector, only this sum was allowed. Perhaps I may as well read the report.

The undersigned has the honor to report that on the 15th instant he instructed the Inspector of Penitentiaries to proceed from Halifax to Prince Edward Island to examine the claim of the Prince Edward Island Government against the Government of the Dominion for expenditure in respect of gaol extension, and expenditure for the accommodation of Penitentiary convicts, from the 1st July, 1873, to the 31st December, 1879.

That the Inspector has made the examination, and reports as follows:—

"I have the honor to report that I had interviews with the Clerk of the Executive Council of Prince Edward Island, the Prothonotary and the Gaoler of Queen's and Prince Counties, and that these officials, although instructed by the Attorney General to give me all the information they possessed, were unable to throw any further light upon the matter than appears in the papers which formed the basis of my report of 10th March, 1880. With reference to the extra cost (\$20,108.60) in connection with the Prince County Gaol at Summerside, no new fact or circumstance has come to my knowledge that could lead me to deviate from my former recommendation that this portion of the claim be disallowed.

"It is quite true that a new gaol was positively needed to properly accommodate the debtors and short-term prisoners of Prince County, many years before the one was provided for the construction of which the Government of Prince Edward Island now asks the Dominion Government to pay a proportionate share of the cost. It is also true that a new gaol has been built, but there is nothing to show that the average of one convict from the 1st July, 1873, to the 31st December, 1879, rendered it more necessary to build a new gaol between 1873 and 1879, than it had been between 1870 and 1873, when there was the same average of one. So far as I have been able to learn, a new gaol for the safe-keeping and accommodation of debtors, short-term prisoners and convicts of Prince County, was as much required in 1870 as when the building was actually erected.

"I consider, therefore, that the allowance made for the average of one convict imprisoned in Prince County gaol, from the 1st July, 1873, until the 31st December, 1879, and included in the sum of \$16,589.25, the amount recommended by me in settlement of the whole claim of the Prince Edward Island Government, is an adequate indemnity for the gaol accommodation supplied to the convicts of Prince Edward County.

"Respecting the claim of \$12,539.10 for providing gaol accommodation from 1876 till the 1st December, 1879, for criminals sentenced for two years and upward to Queen's County Gaol, at Charlottetown, I find that, whereas there was only one convict in that gaol on the 1st July,