

for the contingent expenses in Upper and Lower Canada, principally in the maintenance of gaols and court-houses. The charge in the Civil List for the salaries of the Judges of the Superior Courts, and of the Attorneys and Solicitors-General, was 21,432*l.* 0*s.* 10*d.* The Committee of Council are of opinion the salaries of all future judges should be reduced; that the salaries of the Chief Justices and Chancellor should be fixed at 900*l.* per annum, and those of the Puisne Judges and Vice-Chancellors at 800*l.*, and that the salaries of the Attorneys-General should be the same as those of the Chief Justices. In proposing this reduction, the Committee of Council feel that they are going as far as is consistent with securing the best talent of the country for the highest judicial offices. The charge for pensions, other than those for the judges, may be briefly dismissed. These are, with few exceptions, of old standing, having been granted either prior to the union of the two provinces, or at that period, to facilitate arrangements for introducing a new system of Government. The Pension List is being annually reduced, and will next year not exceed 4000*l.* currency. The charge for 1849 was 5,022*l.* 9*s.* 7*d.* The pensions granted to the retiring judges, which for 1849 amounted to 2,007*l.* 8*s.*, stand on a different footing from ordinary pensions. The tenure of office of the judges being *quandiu se bene gesserint*, the Crown has no power of removal. Bodily infirmity or advanced age would not be sufficient grounds to justify the interference of Parliament to procure the dismissal of a judge; and voluntary resignation, in the absence of any provision, could scarcely be expected. It would, in the opinion of the Committee of Council, be highly prejudicial to the public interest to alter the tenure of office of the judges, and to make them incumbents during pleasure. In the State of New York, the judges were at one time required to vacate their seats on the bench at the age of 60. Under the operation of this rule, the State was deprived of the services of eminent judges in the full exercise of their powers. It has been suggested that special application should be made to Parliament for a retiring allowance in each particular case. Such a system would inevitably lead to the judges being obliged to seek the favour of members of a popular Assembly, whose votes would be necessary to enable them to obtain their retiring allowance. The Committee of Council feel it unnecessary to dwell on the objections to such a system. It has likewise been suggested that a tax should be levied on the salaries of the judges, sufficiently large to defray the charge for judges' pensions. The Committee cannot, in view of the reduction proposed in the salaries of the judges, recommend any further deduction therefrom. They have entered at some length into this subject, believing that many who are in principle opposed to pensions, will, on being made aware of the practical difficulty in the way of dispensing with judicial pensions, abandon their opposition to them; and more especially, as it is not pretended that the Crown has abused the power conferred on it of granting pensions to judges to a limited extent.

The expense attendant on keeping up the organization of the Militia Force, was in 1849 2,034*l.* 11*s.* 1*d.* It seems to the Committee of Council indispensable that this department should be divided into two branches, one for each section of the province. In the absence of any specific recommendation from the Select Committee of Finance, they are not prepared to suggest any plan for reducing the present expenditure under this head.

The Committee of Council have now to consider the charge on the Civil List for the Executive Government of the province, which was for the year 1849 32,081*l.* 11*s.* 2*d.* This charge covers the salary of the Governor-General, 7,777*l.* 15*s.* 4*d.*; the several departments of the Government, 18,242*l.* 9*s.* 9*d.*; and contingencies, 6,061*l.* 6*s.* 1*d.* A considerable portion of the last item is for postage; an item which will be materially reduced under a cheap postage system. The salaries of the Governor-General and of the Heads of Departments seem to have been those which principally occupied the attention of the Committee of Finance. In the salaries of the subordinate officers no material reduction could be effected without depriving the Government of the means of obtaining efficient assistance. The salaries of the subordinate officers of the Government are not higher than those of persons of equal attainments in other occupations. With regard to the Heads of Departments, it is to be observed that when the Civil List Act was passed a considerable reduction was made in their emoluments, which had previously been fully 20 per cent. higher. It appears to the Committee of Council that no scale of salaries can be fixed that will not be denounced as excessive by aspirants for popular favour. While the Committee of Council are convinced that the gentlemen who have devoted themselves to the public service of the country, and who have held political offices under various Administrations, have been actuated by higher motives than the desire of office for the sake of its emoluments, they are likewise prepared to maintain that the incumbents of such offices ought to be compensated with salaries commensurate with the sacrifices which they are called upon to make, and that they should not be exposed to pecuniary loss in addition to their other responsibilities. The Committee of Council have examined the proceedings of the Finance Committee on the subject of salaries with great attention; and have arrived at the conclusion that the salaries of the Heads of Departments should be fixed at 800*l.* per annum, being the same as those intended for the puisne judges.

The Committee of Council do not deem it expedient to recommend any legislative enactment by which the number of the Executive Councillors should be limited. It may be practicable to unite the offices of Speaker of the Legislative Council and Chairman of the Committees of the Executive Council with others; but this must depend on circumstances; and it cannot be the interest of the public to fetter the choice of the Crown to an extent proposed by some. It will often happen that assistance which it is important for the Government