

in the Yukon and with regard to the impolicy or good policy of issuing that Treadgold concession. After all that has occurred, and the public opinion asserted on this question, I cannot think it wise if the government have placed a judge in the position of coming in to decide on a matter affecting the policy of the government, as between the government and their opponents, and holding the remuneration over with the possibility that it should be made high or low just in proportion as the report would be pleasing or the reverse to the government. I think that is wrong and cannot be justified. The government should have fixed the amount of remuneration before the appointment was made. Possibly that may be my answer; if so, I am satisfied.

Hon. Mr. SCOTT—I am sorry my hon. friend indulged in the remarks he did before receiving a reply to his inquiry. The remuneration to Judge Britton is \$2,000, besides all his expenses, a specific sum. He will be a month travelling backwards and forwards at all events.

Hon. Mr. FERGUSON—Does the hon. gentleman think it is seemly that a judge should be conceded that large sum in addition to his salary? Is his salary running on as a judge?

Hon. Mr. SCOTT—Yes, and I think any fair-minded public man will not draw the deduction my hon. friend has drawn; but, on the contrary, that they would rather think that \$2,000 is probably under the mark for a man going to that place for two or three months. Two thousand dollars is not too much for him. With regard to Mr. Bell, I am not able to give the desired information. There was no Order in Council about it. I think the arrangements were made by the Department of the Interior, and Mr. Sifton being away, I was unable to get the facts. I was, therefore, only able to give my hon. friend the amount paid to Judge Britton.

Hon. Mr. DANDURAND—I am sorry my hon. friend should take advantage of the fact of a judge going to the Yukon to make a report, and of the incident of a witness being saucy to him, a judge of the High Court of Justice of Ontario, to cast reflections on him. If it pleased the hon. gentle-

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man to go into the judicial records through our courts from the Atlantic to the Pacific, and pick up such reports of encounters between judges and witnesses, and between judges and lawyers, he would find plenty of such incidents, but, he would need to have something more than the simple fact that there was such an encounter, to say it was discreditable to the judge. Here is a judge charged with the power to investigate a case, a witness makes a disparaging remark—speaks in an unbecoming way to the commissioner—be the party a witness or lawyer,—does the hon. gentleman think a member of this Senate would be justified in saying that the judge's action as reported was disparaging to the bench? The discipline is in the hands of the courts, and that discipline must be maintained by the supreme authority of the judge. It matters very little what reports come here to the press, I think it is unworthy of the situation that the hon. gentleman from Marshfield occupies to take a simple telegraphic report in the press, coming from a place thousands of miles from here, and say: 'Here is how a judge is acting,' and I suppose we are expected to draw the conclusion that the judge should not have been sent to the Yukon. Before a member of this Senate brings anything before the House about a judge's conduct in the courts, he should verify the facts, and wait until at least he has some oral or written evidence about it. The hon. gentleman has simply taken advantage of a telegram published in the newspapers, to try and discredit a judge of a High Court of Justice in Canada.

Hon. Mr. FERGUSON—I would state in reply to the hon. gentleman that I have not made any attack on a judge of this country acting in his capacity as a judge. If I had done so, and the circumstance to which I referred had happened in any court where that judge had proper jurisdiction, and where he was discharging the duties belonging to a judge of the courts of the county, I would be doing wrong; but when the government of the country place a judge in another position although, making him a commissioner to investigate a semi-political question, he is just as open to criticism as any man in the community and I shall not hesitate to avail myself of the right to discuss his conduct.