do. They have a direct salary of $2,400, an additional allowance of $200, and they have of course the surrogate work. Whether that work is paid for by fees or by commutation the amount is a very considerable addition to their salaries, ranging all the way from $400 to over $1,000 in many cases—I am speaking now exclusive of the county of York. In addition to that they have certain fees pertaining to the duties of their office. The senior judge is a member of the board of county audit and is paid a per diem allowance for that. He is also the selector of jurors for which he is paid a per diem allowance. He also has the revision of the voters' lists, although the junior is competent also to take that work, and for that he has travelling expenses and a per diem allowance when he goes outside the county town to attend to it. In addition to all these, the senior judges as pertaining to their office have references directly to them, and in no sense can it be said that the senior county court judges of Ontario are underpaid for the work they do. I am not saying one word against these officers because the county court judges of Ontario embrace very many able and painstaking men in their ranks; men who are doing a very large amount of work, although they are not overworked by any means as a class. The salary of a judge of the court of appeal as provided in this Bill is $5,000, but as some hon. members know each of the Supreme Court judges of Ontario has an additional $1,000 paid him by the province of Ontario, so that his direct salary is $6,000, and then each of these judges who goes on circuit has $100 allowance for each court he attends. The Supreme Court judges, outside of election trials attend probably eighteen courts during the year, and this gives them an allowance of $1,800, when as a matter of fact probably their expenses in attendance on those courts will not exceed $300. The judges of the court of appeal do not go on circuit, and therefore they do not get the $100 allowance in the ordinary work of their court, but when holding election trials they get the $100. There is, therefore, a direct addition to the salaries of the Supreme Court judges in Ontario of $1,500, which with the $6,000, makes $7,500 for the puisne judges, and the pay is not so small as it seems when we are discussing the matter simply as to a question of salary. One word as to the amendment which was passed in 1897 by the provincial legislature and which made it necessary for the appointment of this additional judge to the court of appeal. The constitution of the court was changed by the Act of 1897, and that made it impossible to dispose of cases of appeal from the divisional court to the court of appeal, except by a court of five judges, and so that Act has tied up the business before the court of appeal and there has been a dead lock so far as the cases from the divisional court are concerned. Therefore it is waiting the provision for the salary of this judge and his appointment in order to do the work. This Parliament is in no way to blame for that. I fancy it would be quite proper for the provincial legislature while they proceeded to add an additional judge to the court, to have made the Act apply only as to work which afterwards come before it, and in the meantime cases could have been disposed of before the four judges. In that way these cases in which there were appeals from the divisional court, need not have been tied up as the hon. the Solicitor General mentioned.

On section 1,

Sir CHARLES HIBBERT TUPPER. Although I appreciate and sympathize with the desire for speed, I want to fortify what I said before. I know of no such interference with the independence of the judiciary ever attempted in this Parliament, and I have looked up the only case that seems to approach it in the English House, which was in regard to an inferior court; and the delicacy with which any action of this kind touching a judge of that inferior court was taken, fortifies the objection I made in regard to subsection 2 of section 1, which reads:

> The subsection so substituted shall apply as well to judges now holding office as to judges to be hereafter appointed.

That is to say, the Government propose to interfere with the tenure of office of all the judges who were appointed under specific conditions, and for a specific term. I say that is a breach of faith; it is entirely unwarranted; it violates one of the most sacred principles of the English constitution; and if these principles are to be considered as important now as they have hitherto been regarded in England and in Canada, I am at an entire loss how this provision can be persisted in. I do not question the propriety or fairness of fixing the limit suggested for all new appointments; but I am at a loss to conceive where we obtain any right or reason to lay hands on the vested rights of these judges, and by that means attack their independence, and indeed the independence of the judges to be appointed, of every court, by enunciating the policy for the first time that these judges may have their tenure of office affected by the Government of the day, for any reason which to them seems good and sufficient. I find an immediate reference to this subject in Todd, where the history of the agitation that brought about the complete independence of the judiciary from the executive is treated in this way:

> Previous to the revolution of 1688, the judges of the superior courts, as a general rule, held their offices at the will and pleasure of the Crown. Under this tenure there were frequent instances, from time to time, of venial, corrupt, or oppressive conduct on the part of judges, and of arbitrary conduct—in the displacement of upright