

finished, and there will be no great relief to the work of the Department until they are finally finished. Besides, a great deal of the work connected with the management of the Intercolonial Railway is being done at headquarters in the Department which was formerly performed outside.

Mr. BLAKE. I do not suppose the Committee will readily accept the statement that there has been a saving by adding these gentlemen to the permanent list as meaning that this would be the ultimate result to the public Treasury. These men may have been employed temporarily at a higher rate than the minimum salary of a junior clerk, but putting them on the permanent list involves considerations of permanency, promotions, increases, and so on. Will the hon. gentleman say how long they have been temporarily employed?

Sir CHARLES TUPPER. Over two years, I think.

Mr. BLAKE. Then it is since the reorganization, and since the Canadian Pacific Railway contract that they came in?

Sir CHARLES TUPPER. I am not able to state at this moment. It is more probably three years.

Mr. BLAKE. Since the reorganization, at any rate. Of course, the work is very rapidly diminishing, because we have the Thunder Bay section practically out of the way now, and only the Columbia part remains for the Government to deal with, and what I observe is that the reorganization of the Railway Department was based upon the supposition that the whole work of the Pacific Railway was to devolve upon the Government. But immediately after the contract was let, and the Company assumed the responsibility of locating and constructing these portions of the line, which they have been engaged upon since, there was an immediate diminution of the strain on the Railway Department, and, therefore, it was the reason that I was surprised to learn that it was proposed to grant permanent increases at this time, or to appoint any new permanent officers. When you make a man a third class clerk against his will, you will probably have to keep him against your will when the time comes for the Department to be diminished in the scope of its operations, and we hope in the scope of its expenses.

335. To pay to the widow of the late Judge Fisher, for extra services rendered by him to the Government under Commission from 1870 to 1881..... \$2,400.00

Mr. BLAKE. Will the hon. gentleman explain this extraordinary item?

Sir LEONARD TILLEY. Before the Union, we passed a law in New Brunswick establishing a Court of Divorce, and one of the Judges of the Supreme Court of the Province acted as the Judge of that Court. After the Union that Court, being a Provincial Court both in Nova Scotia and New Brunswick, continued to exist, and Judge Fisher was appointed the Judge of the Court in New Brunswick, and Judge Ritchie in Nova Scotia. Judge Ritchie was also a Judge in equity, for which he received a salary of \$5,000 a year, while Judge Fisher received \$4,000. Judge Fisher frequently made application to the Government for the same salary as Judge Ritchie received, and almost his last communication addressed to the Government previous to his death was the renewal of that application. As the Government had decided that at Judge Ritchie's death his successor should only receive \$4,000, they did not see their way to give Judge Fisher the increase he asked for. So the matter has remained since, and at the solicitation of his widow, who pointed out the justice of the Government paying something for the services rendered by her husband in this Court, an enquiry was made as to the number of cases brought before Judge Fisher to be adjudicated upon during the time he held this Commission. The number was found to be thirty-two,
Sir CHARLES TUPPER.

and it is proposed to pay his widow \$75 for each case, making \$2,400.

Mr. BLAKE. This is one of the most extraordinary propositions, I think, ever submitted to Parliament. This gentleman accepted the office of Judge and the office of Judge of the Divorce Court. These offices were not forced upon him, and he was not reluctant to accept them.

Sir LEONARD TILLEY. This was after he was appointed Judge.

Mr. BLAKE. No; according to my memory, it was at the same time that he was appointed that there was a vacancy in the Divorce Court. When was Judge Fulton appointed a Judge?

Sir LEONARD TILLEY. I think in 1870.

Mr. BLAKE. And this settlement is for the time extending from 1870 to 1881, so that his Commission was for the same time.

Sir LEONARD TILLEY. I am not sure that it was.

Mr. BLAKE. I think it was, and if the hon. gentleman is not acquainted with the facts, I think he should familiarize himself with them before he comes down with this vote. My recollection is that these appointments were contemporaneous; but whether contemporaneous or not, there was no compulsion on Judge Fisher to accept the offices. He accepted them; I do not know that he ever had an additional salary as Judge of the Divorce Court. Parliament never provided an additional salary, and never was asked for it. As often happens with public officers, after he was appointed he thought he was under paid, and he made a special claim of this Divorce Court business. The hon. gentleman's Government repudiated the claim. Another Government came in; he renewed his application, and during the whole time of that Government it was refused on the ground that there was no justification for coming to Parliament for a special salary. That Government went out and the old Government came back again, and remained from 1879 to 1881, during which time, I suppose, Judge Fisher continued his application; and now, after the expiration of all these years, the hon. gentleman comes down with a proposal to pay the Judge \$75 a case for the cases tried. That there were thirty-two cases which actually came to a hearing in New Brunswick, in the course of those eleven years surprises me. There may have been that number of cases entered in court, but that there was that number tried I doubt extremely; and to make the proposal that a Judge is to be paid so much a head for the cases he tries—\$75 a head during eleven years—is certainly utterly unprecedented. He was simply discharging his judicial duties, and there is no justification at all for taking out of the Treasury now the sum of \$2,400. If he had a right to be paid the Government have no right to make the money a present to the widow, for it belongs to his estate and may be the property of his creditors. We make allowance to widows of deceased public servants; but that is a present given out of our liberality, and stands in an altogether different position from that which the hon. gentleman says is a debt. I believe the trumping up and paying of old demands on the public purse which have been repudiated by so many Governments is utterly unexampled in the history of the country.

Sir LEONARD TILLEY. The claim of Judge Fisher was for \$1,000 a year. As to the payment to the widow the Government have no particular desire to pay the money to her, and will have no objection to paying it to the executors, for it will go to her benefit and that of her children. The claim was made a year after for \$1,000 a year.

Mr. BLAKE. And repudiated.

Sir LEONARD TILLEY. Yes; because the Government did not feel paying it as it was not known what the