

in order to get the best judges it is found difficult with the salaries at the command of the Government to take able lawyers from active practice and put them on the bench. I grant that. I think, however, it may prove true that sometimes the best lawyer does not make the best judge on the bench, and we have a very good class of judges in this country for the salaries we are paying, and I doubt whether if we paid \$1,000, \$2,000 or even \$3,000 more it would be sufficient to take the first-class men and the most prosperous and popular lawyers from the firms with which they are connected and place them on the bench. At the same time I am willing to state that my conviction is that we might pay more in salaries to the judges. But, so long as I have a seat in Parliament I will oppose the paying of more salaries to the judges of this country, until we first reorganize the judicial system and put it upon a basis which is reasonable. We cannot do it, says my right hon. friend; no, we cannot in a way, but we can in another way, and at least what we can do is to strengthen the hands of those in the provincial legislatures who recognize the evil and wish to cure it. But I say to my right hon. friend that he will never accomplish it by making the doctrine current throughout the country, that we are just here for the purpose, in this respect, of registering the decrees of the provincial legislatures, and by additional judges and additional salaries blocking the efforts for reform and reorganization. I do not want to say anything harsh with reference to the judges. They are men like the rest of us. The judiciary of this country, on the whole, I believe, stands high. We ought to pay them well for the work they do, and we can do that by the money that we now pay if we only had a proper system of distribution. I think when we come to the conclusion written on our estimates that \$800,000 of the people's money goes for salaries of judges and allowances, we are paying quite sufficient. If we have not a proper distribution, let us use influence to get it. My right hon. friend can use his influence with the provincial legislatures when he wants to. He can do it in Quebec when he likes, he can do it in Manitoba; he says he will do it in certain important respects. My right hon. friend is now all-powerful in the province of Quebec. How great the impetus he could give to the reorganization of the judicial system in that province were he to use his personal and public influence in that direction. I am certain that my hon. friend, the Solicitor General, would hold up both hands for the reorganization of the judicial system in the province of Quebec, and while I am speaking of that province. I speak of it because it has been brought up, and not because I am singling out the province of Quebec in any respect. I do not want to take up the time of the House further, but there are my views and that is why I am opposed to the Bill.

The SOLICITOR GENERAL (Mr. Fitzpatrick). My hon. friend (Mr. Foster) expressed considerable doubt as to the opinion entertained by the Prime Minister, and he said it was not to his knowledge that any other Prime Minister had ever asserted in this House such an opinion.

Mr. FOSTER. Not so extreme an opinion.

The SOLICITOR GENERAL. I will read for my hon. friend (Mr. Foster) the opinion expressed by Sir John Macdonald in 1880 in connection with the appointment of Supreme Court judges in British Columbia, and it will be found at page 119 of the Commons Debates for that year:

The burden of administration of justice is thrown on the provincial legislatures; and when such powers are given them exclusively, we having no right to interfere with their powers, it is assuming a very great responsibility for us to say: Although you declare certain judges are wanted, and have passed an Act constituting a particular court, we refuse you the means required to carry that policy into effect. I quite understand we are not obliged to grant salaries, and, if it was proved to the consciousness of the House that beyond a doubt the legislature of any province had made appointments solely for the purpose of creating new offices, and getting the advantage of them in the expenditure of the salaries, we shall be justified, on reasonable evidence that that was the design of the legislature, in refusing to gratify that wish and motive. But it is not suggested here that that is the case.

That is exactly what the right hon. gentleman (Sir Wilfrid Laurier) said.

The PRIME MINISTER. Hear, hear.

The SOLICITOR GENERAL. Let me deal with this Bill in detail. In the first place, so far as the number of judges in the province of Quebec is concerned, I venture to make the statement that to some extent the number might be reduced, but in order to enable us to do that it would be absolutely necessary to reorganize our entire judicial system. That reorganization, as we know, can only be carried out by the local legislatures. My hon. friend (Mr. Foster) said that the present Prime Minister has great influence in the province of Quebec, and that by a judicious exercise of that influence, he might bring about a better condition of things there. Let me point out what has occurred. In the province of Quebec a few years ago we had one of the strongest Governments in point of majority we have had for many years, namely the deBoucherville Government, afterward succeeded by the Taillon Government. In that Government the present hon. member for Montmorency (Mr. Casgrain) was the Attorney General. He introduced a Bill for the purpose of reorganizing and redistributing the judicial districts in our province, and notwithstanding that the Government introduced the Bill through their Attorney General, and had a majority of from 25 to 28 supporters, the Bill never got beyond the second reading, and the Bill had to be withdrawn. The