

Mr. BERGERON. I am not quite saying that. The appointment was made under the old Government, and I will not say it was not judicious. But I will come to it this way: The judges of the Circuit Court of Montreal were first appointed by Mr. Mercier in Quebec as district magistrates. These were political appointments—to call things by their names. These gentlemen were very respectable men, very good men, as far as their qualifications as gentlemen and honest men and everything of that kind was concerned. But they were political nominees. The jurisdiction of the magistrates was up to \$50. Afterwards the law under which they were appointed was disallowed, because Mr. Mercier had given them a salary which he had no authority to give under the local statute. But this court had proven a great help in dealing with small cases, and when the law was disallowed, there was a demand in Montreal for the creation of a court with somewhat similar jurisdiction. Under the old system the Circuit Court was held by judges of the Superior Court sitting in term and dividing the term amongst themselves. They were old judges and men of a great deal of experience and they did their work very rapidly. There is no appeal from the decision of the Circuit Court, and the cases before it range between \$50 and \$80 and upwards to \$100. During the interregnum, when the court appointed by the local government was suspended or disallowed, the Circuit Court cases went before the judges of the Superior Court, as in former times. At that time, if I am not mistaken, there were from one hundred to one hundred and fifty cases behind, the two district magistrates having been unable to keep up with the business. The judges of the Superior Court being appointed to this work, in a week's time they had cleared off all the cases that were behind and finished up such business as was brought before them to the satisfaction of the bar. When the district magistrates court was no longer allowed to exist, there was a demand to continue the Circuit Court, with the nomination of judges, whoever they might be. But pressure was brought to bear on the Minister of Justice of that day, Sir John Thompson, to appoint the same men who had been doing this work as district magistrates. And although there was opposition to such an appointment, still, the Minister of Justice concluded that it would be a hardship to set them aside and that it would be a reflection upon their reputation. Consequently, they were appointed. The gentlemen I refer to were Messrs. Barry and Champagne. When Mr. Barry died, he was replaced by Mr. Purcell, a very promising young lawyer in Montreal. Now we find that the Government have before the House a proposal for the nomination of another judge for the Circuit Court, and for this judge we are called upon to provide \$3,000

a year. But if the nomination is made in the same way as the others were, in a year or two there will be a demand for another judge for the Circuit Court. What I wish to bring before the House and to call the attention of the Government to is that two judges of the Superior Court of the province of Quebec, as under the old system, could keep up with the cases daily. As it is to-day the work is not kept up every day, and even if there is a third appointment, my impression is that it will be no better. There will not be so many cases behind, but the business will not be fully kept up, and in a year or two we shall be called upon to add another judge to the Circuit Court. I call the attention of the hon. Solicitor General to this, and I ask the Government, when they make a nomination to appoint a very good lawyer. And I would say this, so as not to make any reflection upon these gentlemen, that a salary of \$3,000 a year is a very small salary for a judge of the Circuit Court of Montreal called upon to do the duties that are expected of him. I contend that there is no judge of the Superior Court in the province of Quebec who really works as hard as these judges of the Circuit Court in Montreal. They work every day. One sits from 10 o'clock to 4 or 5 and sometimes 6 o'clock, while the other prepares judgments at home or sits in chambers. The right hon. the Premier understands very well our system and knows that the Circuit Court judges are called upon to decide cases as important as those which come before the Superior Court. They may not involve the same amount of money, but they involve the same principles. Moreover, there is no appeal from the judgments rendered in the Circuit Court, and, therefore, it is most important that the judges of the Circuit Court should be men well versed in law and of great experience. The qualifications necessary for these men to possess deserve a higher salary than \$3,000. As a matter of fact, I contend that these judges should be paid the same salaries as are paid to judges of the Superior Court. I call attention to these points in the hope that, in making the nomination, the Government will consider them.

The PRIME MINISTER. I am ready to admit that the judicial system as it exists to-day, in so far as it implies that there should be a division of power and a division of jurisdiction between the Federal Parliament and the local legislatures, is most inconvenient and unsatisfactory.

But we have to administer the system as we find it at the present time. Referring to an observation made a moment ago by the hon. member for Picton (Sir Charles Hibbert Tupper) with reference to the necessity of an additional judge in the province of Quebec, I have always held the view that this Government has but a limited