

no one will suppose that I am suggesting to the House that we should admit any such change in our Constitution as would give us that power. We are beset with the difficulty that this is a case for concurrent action, and that the greater part of the action necessarily falls within the purview and must be decided by the free vote of the Local Legislature. Still, though we may not legislate so as to give what we consider to be the proper remedy, I am sure I am in the right in saying we have the full discretion and power to suggest the proper remedy, to correspond upon the subject, to discuss the question here, to discuss it as between Parliaments and as between Governments, and if it be possible to reach a solution which may involve a less charge upon the Federal Treasury, at the same time that it gives equal, and in my opinion on this occasion might give much greater satisfaction to the people of the Province concerned. The First Minister himself, when he formerly held that office, did not feel that it was beyond his purview to communicate with the Ministers of Provincial Governments of the West suggesting to them legislation with the view to an increase of the number of judgeships. His opinion was that great evils would befall those remote and sparsely settled countries if they had less than three Judges, for two might differ and there would be no possibility of settling the case; and so, although their population was insignificant, although one Judge alone would be able to do perhaps four times the work, in one of the Provinces at any rate, the suggestion was made by him that there should be legislation for an increase of the number of Judges, in one case, I believe, from one to three and in the other from two to three; and that suggestion was adopted. I am not quarrelling now with that suggestion, I merely mention it as an instance, given very early in our history, of a communication with reference to the judiciary of a Province between this Government and a local Government regarding a change in system. If it be within our competency to impose an increase, it is in our competency to propose some other change which shall not involve an increase; and that is all I am just now arguing for. I believe this question involves considerations which ought to make us hesitate before adopting these resolutions, even if we were not prepared to suggest by correspondence any change of system at all. I will tell you why before I proceed to a consideration of a possible change of system. *Prima facie*, all the arguments are against any increase in the judicial staff of the Superior Court. The judiciary of Quebec consist of, firstly, stipendiary magistrates for certain districts appointed and paid by the Provincial Government, officers who, I think, were wholly created after Confederation; or, if not wholly created, at any rate, much enlarged in the number after Confederation, and the principal charge on the Treasury, in respect to whom, was created since Confederation.

Mr. WHITE (Cardwell). They have been abolished.

Mr. BLAKE. Not wholly. They have been in part abolished, but the hon. gentleman will find, I think, that the salaries are reduced to about one-half.

Mr. GIROUARD. There are only two or three remaining.

Mr. BLAKE. There are, I believe, four remaining. There were none at the time of Confederation. They were introduced after that. The number was increased to a very large number, and has now been reduced; and those that remain are, so far as they do remain, an addition to the judiciary of the Province since 1867. The next branch of the judicial system are the Superior Court Judges, who sit as the Circuit Court, the Superior Court, and the Court of Review. Lastly, we have the Court of Queen's Bench with certain original and also certain appellate jurisdiction. The staff, as it stood in 1867, comprised, so far as I know, no stipendiary magistrates. It now comprises a cer-

Mr. BLAKE.

tain, although a reduced number of stipendiary magistrates. It comprised, in 1867, five Judges of the Court of Queen's Bench, and that number has not been changed, the first proposal to augment it being that now on the Table. It comprised eighteen Judges of the Superior Court; in 1869, two years later, that number was increased to nineteen; in 1871 it was increased to twenty; in 1872 it was increased to twenty-six. Thus there was an increase between 1867 and 1872 of eight Judges, or very nearly one-half, forty-four per cent. in the judicial strength of the Superior Court. The proposal now, so far as the Superior Court is concerned, is further to increase its staff by one additional Judge, making a total increase of nine, or fifty per cent. of an addition to the strength as it stood in 1867. This increase is not, as it ought not to be, due to any increased incapacity or infirmity of the Judges; because, having regard to the creation of so many new judgeships in recent years, the removal by death of several of the Judges, and the extraordinary number of removals by the operation of the provision for retiring allowances, there has been a very great infusion of new blood in the Quebec Bench. The Bench may be said to be almost wholly new. The number of Judges appointed to the Superior and Queen's Bench Courts must, since 1867, be somewhere about twenty, making almost an entire renewal of the Bench, owing largely, as I have said, to the relief obtained by the infusion of new blood through the extraordinary use made, perhaps unnecessarily, but made, at any rate, of the provision for superannuation. In 1867, the Quebec Judges who were pensioned, numbered two; in 1868, they numbered three; in 1871, four; in 1872, five; in 1874, seven; in 1875, eight; in 1876, nine; in 1877, ten; and, notwithstanding the removal of some by death, they stand to-day at that number, ten. There has been consequently a continuous increase in the number of Judges of Quebec who have been pensioned by the operation of this law. The number amounts now to one Judge out of every three. For every three Judges who are in active service, you have one who has retired on a pension, and your pension list for Quebec amounts to-day to \$29,666 a year. Compare that with the state of things in Ontario. There you have over sixty-one judgeships, the incumbents of which are, under certain circumstances, susceptible of retirement upon allowances. Of those sixty-one judgeships, the incumbents of two only are, at this moment, under retiring allowances—two out of sixty-one, or one out of thirty, instead of ten out of thirty-one, being one-tenth the proportionate number of those who are retired in the Province of Quebec. The amount expended in Ontario pensions is \$3,200 as against nearly \$30,000 a year for the Province of Quebec, the amount of money spent being, therefore, in round numbers, one-tenth, for the larger Province with the greater judiciary, of the amount spent in Quebec. Now, I am a believer in the view, however unpopular it may be, that the public interest in the highest sense does require a retiring allowance for Judges, because, unless you have such an allowance, there will be an irresistible temptation to continue on the Bench after their usefulness has ended, Judges no longer able to serve the public. But I do not hesitate to say that if such a use of the retiring power as has been, perhaps, necessarily made—I am not alleging any impropriety in the using of it at present, but bringing forward, simply, the facts—in Quebec, were to become general throughout Canada, you could not retain the retiring allowance provision for a single Session. It would be utterly impossible to resist the argument that there must be abuses in a provision which gave you one pensioned Judge for every three Judges in actual service—which gave you an expenditure in one and that not the largest Province of, in round numbers, \$30,000 a year of the public money in retiring allowances; and as a friend, therefore, of this provision, in the public interest I think it important we should point out, that such