

man alludes, and that we will give our best attention to his suggestion, and to the circumstances connected with the case.

THE SUPREME COURT.

Mr. LAURIER. There is a matter as to which, I think, the attention of this House ought to be called and on which we should have some explanation from the Government. I refer to the vacancy which now exists on the bench of the Supreme Court. If my memory fails me not, on the 22nd September last the late lamented Sir Wm. Ritchie, Chief Justice of that court, died, and the vacancy on the bench has not been filled up yet. Within a reasonable time afterwards the Government took the initiative, and very properly so, to fill up the presidency of the court by promoting Mr. Justice Strong to the eminent position of Chief Justice; but though one, and two, and three, and four months have elapsed since that time, the vacancy on the bench has not been filled. The court is composed of six judges, and I believe that five form a quorum. The court is about to open within a week or ten days, and I understand that one of the judges has obtained leave of absence, so that under existing circumstances, there is not a quorum of the bench to transact business. The delay of the Government, it seems to me, is quite unjustifiable, because if there is no quorum when the court opens, the loss upon the public will be very great. Apart altogether from that consideration, it seems to me that the character of the court is lowered if prompt attention is not given by the Government to any vacancy that may occur. There can be no reason whatever why so long a period as four months should be allowed to elapse before an appointment is made. Certainly nothing has been wanting on the part either of the bar or the bench of the provincial courts to get the vacancy filled. Under such circumstances, it seems to me that one day more ought not to be allowed to pass before an appointment is made.

Sir JOHN THOMPSON. I am not able to acquiesce in the view of the hon. gentleman, that the delay which has taken place has been an undue delay; but the Government do not intend to allow the term to open without making provision for an additional judge.

Mr. DAVIES (P.E.I.) In the face of what the hon. gentleman has said, I make no reference to the composition of the Supreme Court, as it now stands. I am glad to hear that it is the intention of the Government to make the appointment before the court meets. As it stands now, although I am no stickler for sectional appointments, the hon. gentleman knows that there are in the court three judges from Ontario, two from Quebec, and none at all from the maritime section; yet, assuming that there should be a proper determination of cases coming from the maritime part of the Dominion, it is, of course,

desirable that some one acquainted with the law as it exists there, should be appointed. But I desire to call the hon. gentleman's attention to the present state of matters in Nova Scotia. In that province there are supposed to be seven judges. Up to the present time and, I think, for three years past, although we have been paying the salaries of seven judges, we have only had the services of six. Judge McDonald, I think I am correct in saying, applied three years ago for leave of absence for six months. The leave was granted and, I understand, was afterwards extended to twelve months. The twelve months expired, and Judge McDonald, I am credibly informed, has since made no pretense of attending to any judicial duties whatever. He does not live at the capital, and does not go there. He lives at his home in Antigonish county, and during all that time he has been drawing his full salary, although unable, owing to his physical infirmities, to discharge the duties of his office. This state of things ought not to continue. If Judge McDonald is unable to discharge the duties of his office, he ought to be superannuated. He is an old man and has been a long time on the bench, and is entitled to receive a superannuation allowance; but to permit a judge who, from physical or other infirmities, is unable to perform his duties, to remain in receipt of his full salary, while the court is weakened by the loss of one of its members, is, in my opinion, very little short of a judicial scandal. The hon. gentleman himself is, perhaps, the best judge whether or not seven judges are necessary in that province. I say nothing about that. I am not competent just now to give an opinion on that subject. But certainly the action taken by him for some time past indicates that, in his opinion, six judges are sufficient to discharge the duties. But whether they are or not, there is no reason why Judge McDonald, who does not make the slightest pretense of discharging his judicial duties, should continue to draw his full salary.

Sir JOHN THOMPSON. One observation made by the hon. gentleman I am not aware whether he intended to apply to me or to the judge, that is, that the action some one had taken—I presume he means myself—indicated the belief that only six judges were necessary. I presume that is a fair inference from the conduct of the learned judge himself. But I wish to say that, so far as I am concerned, I have not taken any action in the matter whatever. It is true, three years ago, Judge McDonald obtained six months' leave of absence, which was afterwards extended to twelve months, and, I am sorry to say, that, owing to the state of his health, he has been unable to resume his duties. The learned judge has made no communication to me whatever, if I may except a note which I received two years ago, from which I expected his resignation in a