

duties and to receive the confidence of the people that they will act fairly and uprightly, then there remains only one alternative; let us appoint the judges, but let us provide by statutory enactment that any duties of this character shall be part of a judge's judicial functions and that he shall receive no salary or emolument from the government of the day by reason of accepting a position of that kind. I do not believe it is necessary to go that far; I believe men can be found in Canada, men absolutely honourable and possessing the confidence of the people of this country who might be appointed to those positions instead of judges. For my part I desire to place on record my protest against appointing judges. We have had some experience of it in the past, and the result of that experience has not been a beneficial one. We have had judges in the province of Ontario appointed to deal with matters highly controversial in a political sense and, I say this with regret, but I am obliged to say it, the practice, which has been pursued of appointing judges in Canada to positions of this kind has lowered and has not raised the standard of public respect for the judiciary. If there is one thing in this country that we desire to maintain unimpaired more than another it is the standard of the judicial bench and the standard of public respect for the judicial bench. I have not one word to say against the bench of Canada, but the next worse thing to a bench that is not to be trusted is to have implanted in the minds of the people any possible suspicion of the men who sit upon the bench to judge the people of the country with regard to their lives and to their property.

Now for that reason I regret the appointment of Judge McTavish to that position. I might, if I saw fit, say a word or two with regard to some judicial appointments which this government have made. I do not desire to do so, I refrain from doing so simply for the reason that I think there is no worse feature which could possibly be brought into our life than the public idea that the bench of Canada is not what it ought to be. But I will say in passing that I sincerely trust that the government of this country in making appointments in the future will have less regard to partisan service and more regard to proper standards of learning and efficiency, than on some few occasions in the past. I do not desire it to be understood that I condemn the appointments of this government to the bench as a whole. They have made many excellent appointments to the bench of this country but they have made some few which have not my approval and have not, I believe, the approval of a great many men of their own party in the ranks of the profession to which I belong.

There is another observation with regard to this commission which I would like to

make, and I do so with all possible respect to the gentleman whom I propose to mention. Mr. Langmuir of Toronto is a gentleman whose personal acquaintance I have not the honour of enjoying. He is, I believe, an able and honourable man, a man of spotless character. I understand he is a man of good ability and of thoroughly honourable and spotless character in every way, but he is the managing director of a corporation which has twenty-one directors and out of these twenty-one directors sixteen are directors of insurance companies. Now I do not think this is fair, either to the public or to the insurance companies, or to these gentlemen who are interested in the way I have mentioned. One of the directors upon that company is my friend the member for West-Toronto, Mr. Osler, and I believe, in fact I know, that Mr. Osler regards the appointment of Mr. Langmuir as very unfortunate for the reason that Mr. Osler is one of the directors of a corporation of which Mr. Langmuir is managing director and is also himself a director of an insurance company. The evil of the appointment is this, if there is nothing wrong in the transactions of the insurance companies of Canada—and I intend to believe there is nothing wrong until something wrong is proved—if there is nothing wrong in the transactions of these insurance companies, then it is not fair to the insurance companies themselves that a gentleman occupying a position of that kind should be appointed because the public unrest may still continue in view of the fact that he is closely in touch with the interests which would be so seriously affected if any wrong doing were disclosed. And on the other hand if there is anything wrong in the transactions of the insurance companies of Canada then certainly it is not right that a gentleman should be appointed who is so closely in touch with the interests which are to be investigated.

I only say this word further, in conclusion, that I sincerely trust that the language of the commission has been made so absolutely clear that as to render impossible the course which was pursued in the West Elgin investigation, of which commission Judge MacTavish was a member. With all possible respect to the three judges who constituted that commission, and believing sincerely that they acted according to what they deemed right, nevertheless I feel constrained to say that on that occasion at least they took a very narrow view indeed of the scope of the investigation which was committed to their charge. Mr. Finlay McDermott was the man whose seat had been stolen; admittedly stolen by the same methods as those to which I have alluded. He went before that commission and desired to be represented by counsel in the investigation of the very ballot frauds which had brought about his defeat for the time being. I looked over the record of the