

and a statement of the action thereon; copy of any judgment of any Court upon any application for prohibition in connection therewith, he said: I observe, in the Speech from the Throne, that we are promised legislation on this subject, and think the hon. gentleman will agree with me that it is expedient we should be put in position of the facts related in this motion.

Motion agreed to.

ADMINISTRATION OF JUSTICE IN MANITOBA.

Mr. BLAKE, in moving for correspondence with reference to any Commission issued by the Local Government of Manitoba affecting the mode of administering justice in that Province, copy of such Commission and of the proceedings thereunder, said: This motion is based upon information which has reached me by the ordinary sources of information, the public prints, with reference to a Commission and proceedings that have recently taken place in Manitoba, and which, I think, at any rate, are of very serious import to this House and the country at large. No doubt the administration of justice and the constitution, maintenance, and organization of the courts are vested with the Local Legislatures, and no doubt, therefore, there are cases in which Local Governments and Local Legislatures may well inform themselves as to the way in which legislation on this subject is making, with a view to the amendment of the laws which may need to be made; but, if the public prints are correct, to proceed in the way they have been doing in this case, seems to me highly objectionable. I do not, of course, know the exact tenure of the Commission which issued lately, but the papers show that under it an enquiry was entered into as to the mode in which a particular Judge was exercising his functions apparently with the object of ascertaining whether he was discharging his duties rightly or wrongly, and whether he was guilty of improper behavior in the exercise of his functions. That was a Judge of the Supreme Court of Manitoba. Now, while I have never regarded as otherwise than anomalous the provision in the Constitutional Act upon the subject of judgeships, I think it is equally clear that so long as a Judge of the Superior Court is appointed under our Constitution, and holds his office on a tenure of good behavior, removable only upon an Address from the Senate and the Commons, I hold it to be of the highest consequence that, while we should keep this great inquisition open to all subjects of Her Majesty, for all well grounded complaints, and take care that they are duly enquired into, we should not permit Judges who hold their position by that tenure to be exposed to other inquisitions, which cannot possibly be effective in removing them from their office, and which must have a tendency to degrade, and to impair the dignity of the office itself. It seems to me that the Commissions which Local Governments issue under cover of their powers, as to the administration of justice, ought to be Commissions directed to the question of how their laws work, but not to the question of how Judges appointed by this central authority, and responsible to the Houses of Parliament, are discharging their functions. It is with a view to this subject being brought under the consideration of the House and the Government, that I make this motion.

Sir JOHN A. MACDONALD. I hope my hon. friend will not be attacked for that attack on state rights involved in his motion. However, I quite agree with the hon. gentleman in the distinction that he has drawn. The Judges of the Superior Court, appointed by the Crown on the advice of the Ministry here, can only be removed by a Joint Address of the Senate and House of Commons, and any Commission issued in any Province—any colorable Commission, really for the sake of attacking a Judge and affecting his position—is altogether an improper proceeding and a direct violation

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of the terms of the Constitutional Act. The administration of justice rests with the Local Government; and if they, with a *bona fide* intention of ascertaining the working of the law, or any particular branch of it, either in the principle of the law, or in the practice of it, issue a Commission, it may be that the result of that Commission and the report may indirectly affect the position, character, and standing of a Judge. That cannot be helped—that frequently must occur; and any enquiries, to be effectual, may involve the necessity of impugning the conduct of a Judge in the particular subject referred to the Commission. But it is clear that a petition to issue with the object of attacking a Judge is altogether improper, unconstitutional and illegal, and the central authority here ought to take notice of it. I think, however, my hon. friend was quite right in making his motion. I am not able to say if there has been any correspondence in the matter, but I think it most probable that any report made by the Commission he speaks of, has been communicated to the Department of Justice. All the papers connected with the matter will be brought down.

Motion agreed to.

REPORTS ON THE CANADIAN PACIFIC RAILWAY.

Mr. BLAKE moved, that it is desirable that a report should be presented to this House, within ten days from the opening of each Session, giving full information on all subjects affecting the Canadian Pacific Railway up to the latest date, and particularly all details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of toll for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the return. 10. Copies of all Orders in Council and of all correspondence between the Government and the Railway Company, or any member or officer of either, relating to the affairs of the Company. He said: It seems to me, Sir, it will commend itself to both sides of the House as reasonable that there should be presented to us in consecutive, distinct and intelligible narrative, from full particulars of the transactions with the Company and all the events which have occurred up to the time of the Session in each year. We have already passed, with the assent of the Administration, a large number of motions calling for information on this subject, and some more are yet to come. This information will come down at various intervals during the Session, and perhaps, in some instances, full information cannot be obtained owing to oversights which sometimes occur in Departments. Further information will be required, but it will be difficult from the conjuncture of them to obtain, even at a late period of the Session, an intelligible view of the whole situation, as it has been changed by events which have happened during the recess. Nor in the public documents which are subsequently printed, will it, according to our custom, be possible to get it, because these returns are printed in the order in which they pass the House, and we will have to search over various numbers of Sessional Papers in order to collect together in proper shape a history of the whole. Some of these transactions may also bear upon others, and it is in that view desirable that they should all appear. Beyond that it is not possible for those, not possessed of the confidential information which the Government as the negotiating party on one side have, to anticipate or even to elicit in all cases all that has taken place. There are one or two cases to which I might allude as indicating, perhaps, in the report which has just now been given to us, the necessity for this motion. Take, for example, the report of Mr. Schreiber, dated the 1st of November, 1881, in which