

providing salaries. No appointments were made, but on the contrary the practice has been consistent until the accession of the present Administration to power, of carefully examining the why and the wherefore, the reason and the necessity, and the conditions existing, before coming to this House and asking for an additional appropriation.

The SOLICITOR GENERAL. Did not Mr. Dickey make that investigation?

Sir CHARLES HIBBERT TUPPER. I am coming to that argument, the last weak prop on which the hon. gentleman landed. He found that Mr. Dickey had introduced a resolution, and I will deal with that point before I sit down. I have shown how strongly the view I have expressed has been entertained and has been regarded as the consistent view of Parliament, how it has been supported by the Liberal party before the present day; but at the present time or in the present era of their history hon. gentlemen opposite seem not merely to abandon their promises, but the traditions of their party are treated with the utmost contempt. For instance, Mr. Blake, in 1887, is reported as saying:

He did not think it in the public interest at that time, without further complaint of the inefficiency of the administration of the law, to appoint another judge.

Mr. Blake made that statement in reply to Sir John Macdonald, and it was made on 19th February, 1877. When Mr. Mackenzie was leading the Liberal party, he on another occasion said he desired to know if the Government considered the demand from the legislature of British Columbia a proper and reasonable one. There had been a Bill reorganizing the judiciary in the very early days of confederation in the province of British Columbia, and Sir John Macdonald came down to this House to ask for the necessary provision to make the reorganization effective. Mr. Mackenzie said he did not think that because the local government had power to create courts, we had nothing to do but fill those vacancies as soon as they were created. Speaking on the subject at some length, he said later on:

This House should not agree to a proposition of this sort merely because the local government of British Columbia thought it necessary to have two more judges appointed to act in that province. Some grounds should be given on which this House should exercise its wise discretion, and he looked to the Minister of Justice for further information.

Sir John Macdonald's speech in 1880 has been referred to already. The Minister of Justice at that time thought it was necessary to go further than merely say the local legislature had acted, and the hon. gentleman said:

Irrespective of the increase of expense, the local legislature gave very strong grounds on the point of necessity, showing that parties

charged with crime had to undergo, often, twelve months' imprisonment before they could be tried, and, in many cases, then proven innocent of the charges.

The hon. gentleman proceeded to give reasons, which appeared to have weight, in favour of the proposition put forward by the province. The present Secretary of State, Mr. Scott, is on record in this matter. He said:

It does seem to me that the Government has yielded probably to local prejudice in this particular case, to the fact that the British Columbia legislature passed the Act and sought to change the system. The Government have yielded rather too lightly in face of the large expenditure entailed on the country by the administration of justice in that province.

Again, referring to Mr. Blake, these are the views he expressed as an interpreter of the British North America Act. He said:

I have always maintained, while I have had the honour of sitting here, that we are not bound, simply because the provincial legislature proposes the appointment of a judge, to provide a salary.

In a few words the hon. gentleman expressed what I have attempted to say in many words, that so long as this Parliament provides the salaries, contrary to the view Mr. Blake then entertained, there will be extravagance, and increasing extravagance, instead of the extravagance being stopped. The present Minister of Justice spoke on the subject. Mr. Mills said:

I think the House is exercising an independent power in undertaking to vote this money, and when the hon. gentleman asks the House to provide for the payment of additional judges on him devolves the responsibility of showing it is necessary.

So I say that though the argument referred to was used on one occasion by Sir John Macdonald, contrary to these views I have indicated, and which brought out the strongly expressed views of the Liberal party, the practice has been consistent with these views, and even in the 1880 case reasons were given for the appointment and they were not met, as the action of the provincial government is met now by the official statement of the Attorney General of the province, made only four years ago and shortly before those additional judges were created, that a large proportion of the judges of the court already had only three months' work in the year. The member for Montmorency (Mr. Casgrain), who held the office of Attorney General in the province of Quebec, now states that some of the judges have only one month's work to do in the year. Let me come now to the authority for the statement I made and consider the view held by Sir John Thompson. The other view referred to had been abandoned in his lifetime by Sir John Macdonald, and Sir John Thompson, speaking of a Quebec appointment on 23rd April, 1894, said: