

not calculated to be even palliative of the evils which it is desired to remedy.

Mr. MOUSSEAU. —There are two very distinct divisions in the speech of my hon. friend the leader of the Opposition. One portion of his speech is specially directed against the resolutions before the House, and the other is a general attack upon the system of administering justice in the Province of Quebec. The hon. gentleman complains of the mischievous effects of a position of affairs under which we have the power to create new Judges, but have not at the same time the power of providing for their payment. Well, Mr. Speaker, it is a very good argument to ask for an amendment of our British North America Act, but it is not at all an answer to the resolution submitted by my hon. friend the Minister of Justice. That Act was a compact, it was a result of a national treaty entered into by four Provinces, and cannot now be touched on the mere resolution of my hon. friend, because in its operation it may occasion some inconvenience displeasing to the hon. member for West Durham. The Constitution is so clear in its terms that it was impossible for that hon. gentleman to speak seriously against the resolutions of the hon. the Minister of Justice, according to the request of the Provincial Legislature to pay the additional Judges it deemed necessary. The hon. member for West Durham took another course which may be very clever, but it is one, according to my humble opinion—and I venture to express it most respectfully—which is not worthy of him. Instead of facing the difficulty, instead of saying to the Province of Quebec, you shall not get your Judges paid by us, he made an onslaught on the system of the judiciary in order to induce the House to refuse to pay those Judges. He says it is impossible for the Dominion Parliament to consent to pay for such a system, for such an administration, and for such Judges. I repeat that it is unworthy of my hon. friend, and ought not to be found in his mouth. Section 92 of the British North America Act, section 14, positively says:

“The administration of justice, including the construction, maintenance and authorization of the Provincial Courts, both of civil and criminal jurisdiction, including procedure in civil matters in those Courts.”

Here is laid down the compact accepted by the four Provinces. It was accepted because they wanted security under the new system, and they agreed in thinking that the Provinces should have the absolute right of providing for the administration of justice, and that at the same time the central authority, which received large portions of the Provincial revenues, should provide for the payment and maintenance of the Courts created by the Provincial Legislatures. For this reason, a few sections later, it is provided that the Judges then acting, as well as those thereafter appointed by the central authority, should be paid by the Dominion Government. In accordance with these provisions of the Constitution the Province of Quebec introduced a Bill last Session to increase the number of Judges of the Superior Court and the Court of Queen's Bench. This is not the first time that this subject was before this House. Last Session, when the hon. the Minister of Justice introduced a similar resolution for the payment of two new Judges created by the British Columbia Legislature, there was a debate and an expression of opinion by several hon. members, and I think the principle I have stated was entirely acknowledged on both sides of the House, not only by the hon. leader of the Opposition, but by the right hon. leader of the Government. The hon. Minister of Justice, in introducing his resolution, said:

“I presume the House will feel that the Legislature of British Columbia is more competent to determine the judicial requirements of that Province in the ordinary administration of justice, than this House could possibly be. I therefore move the resolutions.”

The hon. leader of the Opposition took exception to those resolutions, and, in the course of his observations, he said:

“I quite agree that as a general rule, unless there are good reasons otherwise, great weight ought to be attached to a proposal deliberately made by a Provincial Legislature.”

The same ground was taken by the leader of the Government. Now, I would be disposed to go even further. I can understand the hon. gentleman taking such a position as this: If it appears that the Act of the Provincial Legislature creating new Courts and appointing new Judges, was passed with intent to defraud the Dominion chest, without there being any necessity for these new Courts and Judges, then this House would be justified in refusing to pay the salaries of the Judges. Did the hon. member for West Durham dare to say that the Quebec Legislature passed this law only for the purpose of extorting from the Dominion chest \$10,000 a year? No. Instead of saying that, he took the ground that the Province did not need any more Judges. But the House will observe that he did not, as he did last Session, propose an amendment opposed to the sense of the resolution. He contents himself with opposing the resolution on the ground that our system is bad and that we can do without other Judges. Well, Mr. Speaker, I must admit that he acted very prudently. As I shall have occasion to show, there is a real necessity for more Judges in the Province of Quebec. We have the best authority for stating there is such a necessity. I will venture to say that though the hon. member for West Durham is very clever, very skilful, and knows everything, there are persons in Quebec who know as much about this question as he does, and perhaps more. I am glad to inform that hon. gentleman that in the Quebec Legislature we have a splendid area of talented young men, very clever and very eloquent, and many of them well versed in the hon. gentleman's own profession. That Legislature formally declared that there was necessity for a sixth Judge of the Court of Queen's Bench, and for an additional Judge of the Superior Court to sit at Montreal. There was not a dissenting voice in that Legislature as to the necessity of these two new Judges. Indeed, that body was similarly unanimous on this matter in 1878-79, when party spirit ran very high in that Province. However, the necessity of appointing those new Judges was so recognised and admitted by every one on both sides of the House, that the Bills passed unanimously, as will be seen by referring to the journals. An amendment was proposed by Hon. Mr. Irvine, and at once withdrawn, after having heard the explanations of the Government. When we remember the intensity of party feeling in Quebec at the time, owing to the Letellier matter, and notice the unanimous feeling displayed respecting this measure, it must be held that its necessity was proved, and that the Province was really in need of increased judicial strength. Before coming to the details of the speech of the hon. member for West Durham (Mr. Blake), I desire to lay down some principles, and cite some historical facts which will enable the House better to understand the question. For many years complaints have existed in Quebec, with respect to the administration of justice. The changes were not very frequent. The first instance was in 1777, the next in 1797, which was amended and improved five or ten years afterwards. About 1845 or 1846 there was a demand in our Province for what they called at the time *décentralisation judiciaire*,—judicial decentralization. A great clamor was raised, and both parties in the press and on the hustings demanded this measure. Public men did not at once obey the demands and comply with the request. The question was submitted to the people, it was discussed in Parliament and elsewhere, and the result was that in 1857 there was a unanimous demand in favor of the new system—in favor of decentralization—and Sir George