

the better administration of justice has determined that it is necessary that an additional Judge shall be appointed to the Superior Court of that Province, resident in Montreal, and also an additional Judge to the Court of Queen's Bench of that Province. I am given to understand, by those familiar with the requirements of that Province, and with the work actually done by the Judges at Montreal and the Judges of the Court of Queen's Bench, that the additional assistance proposed by the Bill passed by the Local Legislature is absolutely necessary. I have reason to believe that the fact of the required assistance in the higher Court of Queen's Bench and in the Superior Court of Montreal will not probably be disputed, but I believe it is the opinion of some hon. members that the required assistance, especially in the Superior Court, might be obtained by a readjustment of the judicial strength already available in the Province, and that by such readjustment the salary of an additional Judge might be saved. I believe the fact is, that some years ago a correspondence on the subject took place during the time the hon. the leader of the Opposition (Mr. Blake) was Minister of Justice. That correspondence did not result in any definite action in the shape of readjustments in the Province of Quebec. The Legislature and the Government of the Province did not seem to have taken the view suggested on that occasion, that it would be wise to so readjust the available judicial power as to make it unnecessary to appoint an additional Judge for that Province. However that may be, the fact is, as exemplified by the passage of the Act of 1880, that the Legislature and Government of Quebec have not concurred in the view that any such readjustment of judicial power and strength could be made available with benefit to the administration of justice in that Province. I am very glad that some of my colleagues in the Government, and some of my friends in the House who are prominent members of the Bar in that Province, will be able to go into the question more in detail than it can be expected that I can, and therefore, at present, I will content myself with moving that this resolution do pass.

Mr. BLAKE. I think the propositions on the Table for new and increased judicial salaries, form a very curious commentary on the very violent attacks which were made on the late Government, previous to and during the last general election for their increases to the vote for judicial salaries, during their tenure of office. We all remember the extreme acerbity and acrimony with which that subject was prosecuted in the public prints, by orators on various occasions, and in pamphlets widely disseminated by a gentleman who is now a prominent member of the Government. The very fact that there had been large increases in the vote for judicial salaries, without reference at all to the considerations which had influenced the Government in proposing these increases, was pointed to as conclusive. The figures were given as indicating criminal, wasteful extravagance. It is exceedingly satisfactory, I am sure, to those who have survived that storm of attack, to find themselves justified in the view that there had probably been no great extravagance in what was done, by observing proposals on the Table to-day for an increase in the expense of the judiciary of this country, amounting, I conjecture, to about \$30,000 a year. I do not speak of this proposal alone, which is limited to \$9,000, but to all the proposals which are before us. Now, the late Government felt themselves unable to deal with some of the questions with which the hon. gentleman is about to deal, as they desired, in consequence of the financial condition of the country at that time. The revenue was inadequate to meet the expenditure, —and hon. gentlemen opposite may assert that the condition of things has so changed that it is right now to look at this question from an altogether different standpoint. It is true that in one aspect the condition has changed. The revenue is no longer inadequate to meet the

expenditure. It is also true that that change is partly produced by the improved condition of the country; but it is further true that a very large portion of the increase in our revenues is due to the excessive addition to our taxation which has taken place, and but for that excessive addition to our taxation the condition of affairs with reference to the balance of revenue and expenditure—having regard to the large increase which is about to take place in the permanent charge for interest on public debt, and so forth—would, I venture to say, present a very different aspect from that which it presents to the superficial gaze today. To those of us who remember that the promises of the late Opposition before the electors were, that their changes in taxation would be simply readjustment, and not addition on the whole; who remember that the excuse which has been given for a departure from those promises was that the condition of the country was so much worse than the hon. gentlemen who made these promises conceived it to be, that they found themselves obliged, in order to redress the balance between revenue and expenditure, to impose, contrary to their intentions when in Opposition, an increased total taxation, it will be tolerably clear that a prime duty on the part of these gentlemen is, once that balance has been redressed, to lower the taxation which, for that specific purpose, they have increased, contrary to their pledges made to the people before the general election. And the general interests of this country, do, in my mind, require—upon every occasion in which an increase of expenditure is proposed and is attempted to be justified by the fact that we have a surplus—that we should recall to mind that that surplus is, in its largest measure, produced by an abnormal and excessive rate of taxation, imposed for a specific purpose, and which ought to be lowered the moment that purpose has been attained. While I make these general observations, which appear to me to be proper to be made on the first occasion on which, this Session, an increase proposed is to be made to the ordinary public charge, I am quite content to admit that one of the prime duties of Government is to secure to the people governed a due administration of justice, and that any expenditure which is essential in order to secure a due administration of justice is an expenditure not merely excusable, but justifiable in the highest sense. Putting aside, therefore, our financial condition, and assuming that we have a surplus capable of being vindicated as due to a normal and proper rate of taxation, and not to an excessive rate of taxation, and that we are free to act on this occasion, the second, and I frankly admit the larger question is, whether this particular expenditure is under the circumstances needful. If it be needful, it is certainly justifiable. Now, I have always contended for our right, when we were called on to grant a salary for a new Judge, to enquire into the circumstances of the case, and to ascertain whether it was fitting that the additional charge should be imposed on the revenues of Canada. Our constitution, defective in my mind, defective in that it confers upon one Legislature the power to appoint Judges, while it imposes on another Legislature the burden of fixing and paying their salaries, has always naturally led to a too plentiful creation of Judges on the part of that Legislature which has the pleasing function of creating these Judges, without being checked by the consideration that those who have the creating power must bear the burden of paying the officers. I have, therefore, felt it my duty to combat the idea that this Parliament is bound to provide the salary for any Judgeship which may be created by any Local Legislature. At the same time, we are met by many difficulties in dealing with this topic, because it is not within our competence, even if we believe that another means, another mode of legislation, another system would obviate the evil, to give that means or legislation in spite of the Local Legislature; and I am sure