

diction as the Circuit Court. This Act was disallowed, and I could never see what was the reason of its disallowance. Certainly if the Local Government had power in 1869 to create a court with a jurisdiction of \$50, it had power to increase that jurisdiction to \$100. Now, the new Government abolishes the District Magistrates Court, re-enacts the same statute under a different name, and puts upon the Government of the Dominion, by creating a Circuit Court, the appointment and payment of these judges, which, under the law of Mr. Mercier, would have been paid by the province. That is the only thing that is gained, so far as the Government is concerned, by the operation. Nothing can better show the great anomaly which exists in reference to the Superior Courts under the British North America Act than the method of appointing judges. The creation of the court belongs to the Legislatures of the provinces, but the appointment of the judges belongs to the Dominion. So according to this theory, which the Government seems to accept, if the Legislature of Quebec increase the number of judges by two or ten, the Dominion would have to pay their salary. I think the Government have shown by their action that they were influenced by other considerations than public policy when they disallowed the Act in 1889.

Mr. LANGELEIR. I think I can give the motive. The motive is the desire to get rid of the present incumbents in the District Magistrates Court in Montreal. These two incumbents are Mr. Barry and Mr. Champagne. The Dominion Government, by disallowing the law which had been passed by the Local Legislature in 1889, thought that they would remove particularly Mr. Champagne, but also Mr. Barry. But some alterations were made in the commissions of these gentlemen and they remained in their places. After their jurisdiction was curtailed, their salaries were raised by the statutory increases. Now, the present Government of Quebec wants to get rid of these gentlemen. They are very popular with the bar and the public of Montreal, and instead of simply removing them, which would be a most unpopular thing, the Government of Quebec provide for the repeal of the law concerning District Magistrates for the city of Montreal, and have enacted a new law establishing Circuit Court judges for the same court. The result of that alteration will be to change the name of the judges. Another important result will be—and in securing it both the present Quebec Government and the Dominion Government have been at one—they will get rid of the two present incumbents.

Mr. OUIMET. If the hon. gentleman is ever appointed a judge I hope he will be a better judge of law and of fact than he is of motives.

Mr. BRODEUR. Does the Government intend to appoint to these new positions the same gentlemen who now occupy the position of judges in the Magistrates Court?

Mr. OUIMET. The matter will be taken into consideration in due time by the Government.

Mr. BRODEUR. I think the Government ought certainly to answer the question which I now put to them. We were told yesterday that the Government would only appoint judges of the same political persuasion as themselves, and consequently they make political appointments to the bench. I understand that the reason why the Government bears the expense of the appointment of two more judges in the city of Montreal is only that they may have an opportunity of appointing two more of their friends as judges. We remember that when Mr. Mercier appointed these two judges for the Magistrates Court in Montreal, all the Conservatives of the province of Quebec were angry, and were sorry to see two Liberals appointed judges in that province. They always supposed that the appointment of judges was exclusively in the hands of the Federal Government, although the law under which these two judges were appointed, was passed by the Conservatives in 1869. Consequently the only reason for which they objected to the creation of the Magistrates Court in 1887 was because Mr. Mercier appointed two of his friends to those positions. Now that their friends have returned to power in Quebec, they have passed a new law by which they are going to abolish that Magistrates Court and revive the Circuit Court, and the Federal Government is coming to the rescue of the Provincial Government in order to dismiss the two judges who have been appointed by Mr. Mercier, and appoint two of their own friends. The judges who now sit in the Magistrates Court give full satisfaction to the bar of Montreal, and I see no reason why these same gentlemen should not be reappointed, if the Federal Government is ready to take charge of their salaries. These gentlemen have given full satisfaction to the public and bar of Montreal, and if this Government does not appoint them to the new positions it will be only because they want to put two of their political friends in their places.

Mr. OUIMET. I am not aware that Mr. Champagne is still a member of the Liberal party, or that he has leanings towards the party of the hon. gentlemen; if he is, I would infer from what was said by hon. gentlemen opposite last night, that Mr. Champagne is now disqualified from being a member of a court of justice, because he ought now to have renounced all his partizan feelings after being on the bench for three or four years. I am surprised to hear that Mr. Champagne is still a warm friend of hon. gentlemen opposite. I know that he was