

Council of this Government, under date of the 8th of July, 1896. The Bill is not yet drafted, and I ask the indulgence of the House to introduce it in blank.

Mr. SPROULE. Is not that somewhat unusual, to allow a Bill to be introduced without presenting any Bill?

Mr. SPEAKER. It can only be done with the consent of the House.

The PRIME MINISTER (Sir Wilfrid Laurier). The Bill is merely formal, the subject is well known. Of course, if the hon. gentleman takes objection, it cannot be introduced.

Mr. SPROULE. I do not wish to object.

Motion agreed to, and Bill read the first time.

THIRD READINGS.

Bill (No. 159) to amend the Act to provide for bounties on iron and steel made in Canada.—(Mr. Fielding.)

Bill (No. 149) to authorize certain contracts with steamship companies for cold storage accommodation.—(Sir Louis Davies.)

Bill (No. 154) to provide for the government of the Yukon district.—(Mr. Sifton.)

JUDGES OF PROVINCIAL COURTS.

The House resumed the adjourned debate on the proposed motion of Mr. Fitzpatrick for second reading of Bill (No. 150) further to amend the Act respecting the judges of the provincial courts.

Sir CHARLES HIBBERT TUPPER. It is a very bold thing, perhaps, to enter at this moment upon an argument at any length touching this measure, but there are one or two references I have to make to fortify the position I took in connection with this subject. The argument is much relied on by hon. gentlemen opposite that there is absence, so to speak, of responsibility on the part of the Government in connection with the proposition for the increase of the judiciary in the different provinces, and I think neither the right hon. leader of the Government nor the Solicitor-General in their references to the argument used by Sir John Macdonald presented the case as fairly as the facts required. For instance, the position taken by him on that occasion was really taken by several, and he did not content himself with stating that the duty here was perfunctory when an increase of the judiciary took place requiring us to provide a salary; but he used that argument among others to this extent only—and I quote only a short portion of his speech on that occasion:

As a general rule, I think we may safely trust to the discretion of the provincial legislatures in this regard.

Mr. SIFTON.

1880 is a long time ago. Between 1867 and 1880 these increases in the number of judges had not reached anything like the increases that we are now face to face with in 1897. But the present Minister of Justice did not so construe the language of Sir John Macdonald in 1880, to which reference has been so often made, because, speaking of that debate on another occasion, the present Minister of Justice said:

Certainly, when county courts were wanted in Nova Scotia he (Sir John A. Macdonald) did not take exactly the same view as to the functions and duty of the House in the appointment of judges, and in providing for their salaries, as on the present occasion. I remember that, then, the friends of the hon. gentleman in the other House rejected the proposal to provide for the payment of the judges in a court which the people of Nova Scotia though necessary for the due administration of justice.

Constantly from 1867 down to the time the present Liberal Administration came into power, their leading men, including their Minister of Justice, and their Minister of Justice in the preceding Liberal Administration, Mr. Blake, and their leader, Mr. Mackenzie, supported always, and notably by the Prime Minister of the present day, by the Minister of Trade and Commerce himself, all took the line that it was the bounden duty of this Parliament to check any approach at extravagance in regard to the appointment of judges by the local legislatures. When they rely upon that one argument used by Sir John A. Macdonald when he laid it down as a general rule that we should trust to the discretion of the local legislatures, they have the satisfaction of knowing that from 1880 down to the day of his death, Sir John A. Macdonald never used that argument, never proceeded upon that theory, but he and every Minister of Justice who succeeded him, and notably in the case of Sir John Thompson, not only pursued the other line of investigating and examining all the cases which were brought up, but he explained to Parliament, without demur, with opposition on the part of the right hon. leader of the present Government, with the consent of this House, with the approval of this House, he explained why they had not appointed judges created by the provincial legislatures, notably, for instance, in the case of British Columbia, where years were allowed to elapse, and the excuse for delay given by Sir John Thompson, without any expression of disapproval from a single member of Parliament, was that there had not been, in his opinion, any reason for the appointment until he came down and asked for a resolution to authorize the introduction of a Bill to provide for the salary. So that with the exception of that little discussion in 1880, there is not an argument to support the present view thrown out from the Treasury benches as to the perfunctory duty on the part of the federal legislature in