

House and is backed up by the majority of public opinion in the country.

What necessity has the Solicitor General shown for the appointment of an additional judge to the Court of Appeal of the province of Ontario? Is it because the number of judges now in that court is four, and that the difficulty of an equal division of opinion may arise? The members of the bar of Ontario will not object to my repeating what I have been told, and not by Conservatives either, that there is no strong demand for this appointment on the part of the members of the Ontario bar.

The SOLICITOR GENERAL. Then they say one thing and write another.

Sir CHARLES HIBBERT TUPPER. They may, but I make this statement for what it is worth in the presence of leading members of the Ontario bar, and subject to their opinion. The Solicitor General knows that the Act constituting this extra judge was passed over a year ago; does the hon. gentleman know the exact date? The hon. gentleman does not seem to know the exact date. Well, no action has been taken since that office was created, although from the position taken by the Prime Minister it would have appeared that the moment that Act was passed this Government should have immediately proceeded to obtain the necessary money. It cannot have been a matter which was very pressing, because the Act was passed quite a long time ago, and even the Solicitor General does not remember the exact date any more than I do.

The SOLICITOR GENERAL. It was immediately previous to our last session.

Sir CHARLES HIBBERT TUPPER. The session of Parliament and a year were allowed to pass by without action, and the inference is that the necessity for the appointment was not very pressing. The Court of Appeal of Ontario has given great satisfaction with its four judges. It is regarded all over Canada as one of the strongest courts in the Dominion, and it has won that high position under its present constitution. Certainly there has been no very apparent reason for the appointment of an additional judge and the increase of \$5,000 a year taxation on the people. Can the Solicitor General tell me when authority was taken for the additional circuit court judge in Montreal?

The SOLICITOR GENERAL. 60 Vic.—about a year ago.

Sir CHARLES HIBBERT TUPPER. There are now in the Superior Court of the province of Quebec, the chief justice, salary \$8,000; senior puisne judge, Montreal, salary \$6,000; twelve judges at \$5,000 each, \$60,000; fifteen judges at \$4,000 each, \$60,000, including the new appointment; two judges at \$3,500 each of the Superior

Court, as I understand it. In view of the statements which have been made, the Solicitor General should give us some detailed reasons for those changes in the judiciary. When the late Sir John Thompson proposed to deal with the readjustment of the salaries of all the judges in Canada, a very elaborate statement was prepared in that connection showing approximately the work of the courts. This document was ordered to be prepared by Sir John Thompson, as it was his duty to do when he was asking Parliament to increase the salaries of the judges, and I submit we should have a similar statement now. When as Minister of Justice, I myself asked that this Parliament should not allow an old law to operate so as to cause a decrease in the salary of a judge in British Columbia, on the death of Sir Mathew Begbie, hon. gentlemen who were present will remember that it was made necessary for me—and I expected it should be so as it was my duty—to obtain all information as to the condition of business in that court before I was entitled to ask Parliament to prevent what, as I claimed, would have been a decrease in the salary of a judge. All those particulars were given then, and if there ever was an urgent case for showing that no re-arrangement is possible with the large number of judges paid such salaries, and if no such evidence is forthcoming to the committee, then in my opinion the committee should not adopt this resolution.

Mr. MONK. I desire to say a word in regard to that part of the resolution which concerns the province of Quebec, and more particularly the district of Montreal. There is one point which I think the committee may feel perfectly satisfied about, and that is as to the necessity of an additional circuit court judge in the district of Montreal. The amount of litigations in that court is so great and litigants are obliged to wait so long for the adjudication of their cases that it is really surprising to think we have endured the present state of things so long.

When the committee are told that litigants before the Circuit Courts in the district of Montreal have, as a rule, to wait for more than a year for a decision of their cases, the committee must be convinced that it is time some remedy should be applied. The difficulty in these matters is, I think, the one pointed out by the right hon. leader of the House. It is one of the most anomalous features of our constitution that the provincial legislatures alone have the regulation of the tribunals of justice, and that the only part assigned to the federal power is the appointment and payment of judges. It was only a year ago that the legislature of Quebec saw fit to give the federal authorities the necessary power to appoint one additional Circuit Court judge for the district of Montreal. It is regrettable that that statute did not provide for two addi-