

The SOLICITOR GENERAL. Who appointed them ?

Sir CHARLES HIBBERT TUPPER. Such things being so, I was led to believe when I held the position of Minister of Justice that the time had come for a redistribution of the work and the reorganization of the districts, and such a reform should end in the cutting down of the number of judges, the fact being that many of the judges under the system organized a long time ago have now practically nothing to do and that we have too many judges of a certain kind—surely if that information was reliable, I was justified in resisting at the time the pressure brought to bear to add to the already long list involving heavy expense. The view the right hon. gentleman has propounded to-day will never bring about what we all desire, and that is a reform and re-arrangement of districts and the necessity of doing it by the only authority that can do it, and that is the local legislatures. If they find out that they have simply to create those offices and call upon the Dominion Government to fill them, and this Parliament stands prepared to pay the salaries without demur, the task, which is never a welcome one, will not be taken up by the Attorney General of undertaking to grapple with this question, as otherwise he would be prepared to do. There would not be half the difficulty experienced in grappling with the question if the Government now took the position that the record shows Sir John Thompson assumed as regards the several provinces, and that is, that although the local legislatures might create judicial positions, he would not appoint judges until it was satisfactorily shown, first, that those judges were required, and, second, that the judges now in office could not be rearranged, and the local legislature carry out a system of reorganization of the districts so that the docket be kept clear in a proper fashion. I think the Solicitor General, before proceeding with such a large order as these resolutions involve, should hesitate, and I must tell him, what he perhaps knows, that a leading member of the bar, a gentleman whose position in the province of Quebec the hon. gentleman would respect, has assured me, in connection with the 30 judges of the Superior Court of Quebec already in office, that one-third of those judges are not occupied for more than three months in the year. That is the statement made to me in order that it may be made here ; and be it right or wrong, it is entitled, coming as it does from counsel of standing at the bar, to the consideration of the Solicitor General so that he may meet it and meet it successfully before proceeding further with the request for another judge. Almost all the argument of the Solicitor General with regard to the position outside of Montreal, had special reference to the district of St. Francis, where the position may have been sound

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enough under the old system, but it has not been readjusted to suit modern conditions, and it is a most likely condition that one place requires more judges while others do not require the existing number ; but this condition will not be changed until the local legislature sees that this Parliament will not pay additional judges salaries without careful inquiry as to the needs of the additional appointments. At present the legislatures only have to ask for a judge and we appoint one and pay him. In regard to Sherbrooke, the counsel to whom I referred admits there is trouble there. Still, even in that case, although the present judge is overworked and the place is called an important judicial centre, the system now in force provides that in case of urgency a judge from another district can from time to time be assigned to a district where his presence is found necessary. That is provided for by the Revised Statutes of Quebec, article 2,221. And so, as is stated by this gentleman, if the despatch of judicial business requires it, the chief justice is empowered to send another judge to the district requiring such judicial help. He goes on to say :

In the case of Sherbrooke it will be most easy for the chief justice to assign from time to time to the district of Sherbrooke the judge of the district of Bedford, or the judge of the district of St. John, or the judge of the district of Sorel, or the judge of the district of Beauharnois, all of whom certainly have not enough work to occupy their time.

These are very serious statements and the source from which they come, knowing it as I do, gives them a great deal of weight. The present system, which I have said is not up to date, is not likely to be improved if money is generously handed over whenever, instead of reforming the system there is a proposal to perpetuate it in this way. The present system was, I am told, adopted as far back as 1854. I am sure there are many members of the bar on both sides of the House who are anxious to see the judiciary strengthened and the position made more attractive both to actual members of the bar, and to those who are likely to choose one profession rather than another. Those hon. gentlemen who wish to make the administration of justice more beneficial to the country by increasing the salaries of judges will see that all these suggestions are putting that result further and further away from the realm of possibility, because it will readily be seen that if money is lavishly scattered on the mere demand of the local legislature, to judges already too numerous and to judges not of the highest court of the province, it will become more difficult if not impossible to ever add to the salaries of judges who are actually required. The latter proposition I believe meets with approval from many on both sides of this