

more, and gentlemen accepting temporary appointments expected more as a rule, and in fact the Estimates included an extra charge of the Lieutenant Governor of Manitoba of \$1,000. The Minister of Militia had stated that the appointment was only temporary, but he (Hon. Mr. Blake) maintained that the Law provided that Lieutenant Governors of Provinces should hold office, during pleasure certainly, but they could not be removed within the term of 5 years without cause assigned. This was a law of the utmost consequence in order to give Lieutenant Governors a proper amount of independence. Yet the hon. gentleman assumed to himself to make a temporary appointment.

There was, however, now a good cause for cancelling the appointment, for it ought never to have been made. He held that the attempt to make a temporary appointment to the office of Lieutenant Governor was also a violation of the Law. He held also that the Confederation Act provided that Judges should hold office during good behaviour and if it were properly construed there would be no power to take away a Judge from his office and bribe him—he did not apply the term to this particular case, but to a possible case—by a high office of large emolument, to absent himself from the sphere of his judicial duties, and thus to create a vacancy filled by an Assistant Judge, having all the powers of a Judge, and holding office during pleasure. It was entirely out of the question to justify the course taken in making Mr. Johnson Recorder and then Lieutenant Governor.

He did not desire to protract the discussion, but if the hon. gentlemen's use of the Act was legitimate, it was not consistent with the Act of Confederation, for it practically gave power to cause the whole administration of Justice in Lower Canada to be performed by Judges holding office during pleasure instead of good behaviour. The practise must be judged by the result which it made possible. He considered the Act of the Minister of Militia which he had attempted to justify shewed a degree of recklessness which should lead the country to pause before it continued to place confidence in men who could so act. (*Hear, hear.*)

Mr. HARRISON thought the member for Châteauguay (Hon. Mr. Holton) was entitled to the thanks of the House for having made the motion and he also congratulated the Government that they had had the usual courage to admit their error and cancel the appointment, and he thought a man who made a mistake but who had courage to admit and rectify it, ought to be encouraged and not have abuse thrown at him, and taunted for having done what was right. There could only be one object in prolonging the debate, namely to sustain the principle of the independence of the bench. If they had Constitutional liberty, that liberty was secured by checks, and lines drawn between the executive, the legislative and the judicial.

Our constitutional liberty had arisen by the growth of the checks, by the efforts of the Legislature to reduce within reasonable limits the power of the Executive, and that constitutional liberty was in writing. Who was to decide these questions? It was the judicial power, and if there ever was a necessity in the history of the

country to maintain intact that judicial power, it was now. It had been attempted to be argued that if a Judge had leave of absence he might do anything, but he was still a Judge, and except under pressing circumstances, if at all, there should be no interference with the Judges. The Statute of Quebec that had been brought into question was a mere declaration of a constitutional principle that judges should be independent, and should in no way be employed in other positions of profit. There could be no question that the position of Lieut. Governor of Manitoba was a place of profit, and this being so, it was a matter of small consequence whether the salary was guaranteed by Act of Parliament or otherwise.

He trusted that Government, influenced by the discussion that had taken place, would not in future do as they had in this case but would not even appoint Judges to temporary employment but would leave them on the bench as the guardians of the constitution and the interpreters of the fundamental law.

Hon. Mr. McDOUGALL (Lanark North) said he understood the complaint to be exclusively directed to the violation of a statute of Lower Canada, and in respect to the fitness of Judge Johnson to fill the position he believed there could be no As to the error which the Government might have committed he did not undertake to pronounce, as the hon. gentleman had admitted it. He believed there should be a strict observance of the law in respect to the Judiciary and was glad the mistake had been rectified. He referred to the appointment of Mr. Blake to the office of President of the Council in Ontario, and said that the hon. gentlemen had taken a very different course from that of the Government in this case for he had first committed the breach of the constitution and then introduced a Bill to sanction it. (*Cheers.*)

Hon. Mr. BLAKE said he did not intend to enter into any argument as to what he had done elsewhere, but if the hon. gentleman would meet him there he would discuss it with him, but he thought it exceedingly improper (*Laughter*) to discuss provincial constitutions in that House. The fact was the hon. gentleman wanted to support his friends opposite and made his arguments to suit the circumstances. A little time ago the hon. gentleman was with the Government—then again he was opposed to them—and now he was with them again, he wished him and them joy of it.

Hon. Mr. McDOUGALL (Lanark North) said he should insist on the right in all discussions on constitutional matters to deal with all parts of the constitution. As to the challenge about entering the Ontario House he would have very little difficulty in doing that, for on a recent occasion three members of that House offered to resign their seats and give him the opportunity. As to his position with the Government, he stood there as an independent member, to approve or disapprove, and when he was guilty of the inconsistency and indecency of going through the country for years denouncing all public men who disagreed with him on the principle of Coalition Governments (*Cheers*), and violating those principles on the very first opportunity (*Cheers*)—when he had done that, he might be taunted with inconsistency. (*Loud cheers.*)