

reason was that in our province the people are wedded to their judicial system. We have got what is known as a decentralization system; the judges have districts assigned to them and they are supposed to reside in their districts. I am prepared to admit that in some cases two of these districts might be merged into one, and if the judges resided in their districts as the law requires them to do we would then have an ideal system in the province of Quebec. The judge of the high court in our province is called upon to administer justice in a case in which the sum of \$1 is involved, just as in a case where there is a million dollars involved. He may be called upon to try petty larceny where the amount involved would be 5 cents, and also at the same assizes try a case of murder. The range of their duties are greater than is the range of the duties of the judges in the other provinces. They are called upon to perform more important duties, and I think upon the whole we may safely say, if I eliminate the question of the travelling expenses, that we have in the province of Quebec a number of judges of whom any province might well be proud.

Some hon. MEMBERS. Hear, hear.

The SOLICITOR GENERAL. The whole trouble in our province arises from the fact that a system has grown up; a system for which this Government is not responsible—and I think it proper to draw the attention of the House to the fact that when we are called upon to account for this enormous expenditure that is going on in the administration of justice, up to the present time there has not been any increase for which this Government is responsible. We had to take the condition of things which we found in existence, and dealing with that condition of things; how are we going to remedy it? The only remedy that is within our power as a Federal Parliament to apply and can apply is with regard to the travelling expenses. That is the only thing we can remedy, and we intend to remedy that. My hon. friend from West Assiniboia (Mr. Davin) made his whole attack on this Bill from the standpoint of the province of Quebec, and he spoke of the increased expenditure that would be involved so far as that province is concerned, if we pass this Bill. I draw the attention of hon. gentlemen to the fact, that the whole expenditure, so far as Quebec is concerned, resulting from the adoption of this Bill will be about \$7,000, and if the Bill is applied, as I think it should be applied, the result will be a saving instead of an increase, because of the change that this law will bring about in connection with the travelling expenses. The only two judges we are called upon to appoint in Quebec is a judge for the district of St. Francis and an additional judge for the Superior Court in Montreal. Now, the appointment of a judge in the St. Francis district is not the result of legislation for which

Mr. FITZPATRICK.

we are responsible. It is the result of legislation introduced into the local legislature by my hon. friend from Montmorency (Mr. Casgrain), by a former Conservative Government in the province. It is not legislation that I blame, I say it was necessary, and I am prepared to justify that legislation. But when the friends of my hon. friends opposite introduced that legislation they made it necessary for us to do this, and hon. gentlemen have got to remember that not only was the legislation introduced into the local Parliament by the hon. member for Montmorency (Mr. Casgrain), but that in the session of this Parliament in 1896 the then Minister of Justice (Mr. Dickey) introduced a resolution to provide for the salary of this judge.

The MINISTER OF TRADE AND COMMERCE (Sir Richard Cartwright). Was that concurred in by my hon. friend (Mr. Foster)?

The SOLICITOR GENERAL. Yes, it was necessarily concurred in by hon. gentlemen opposite. Now, Sir, under these circumstances it seems to me we cannot be held to too strict account for our action in connection with this. I can point my hon. friend (Mr. Foster) to the correspondence that took place at that time between the then hon. member for Sherbrooke, then Minister of Trade and Commerce (Mr. Ives) and the Department of Justice. Mr. Ives asked that this judge should be appointed and Mr. Dickey moved that provision should be made for his salary, and provision was made so far as it was possible to provide in that session, by the introduction of the resolution.

Under these circumstances it seems to me hardly fair that we should be so closely criticised by the hon. member for York (Mr. Foster). While I agree with him in much of what he has said, I cannot agree with him in holding this Government exclusively responsible for that appointment. The appointment was a necessity. There are three important districts in our province—the district of Quebec, the district of Montreal and the district of Sherbrooke. The district of Sherbrooke is one of the most important districts in our province, and the judge of that district is overworked. The late Judge Brooks, a gentleman well known in this House, for he was for many years the member for Sherbrooke, was on the bench for several years, and I venture to say it was by reason of the arduous nature of the duties he had to perform as a judge that his health gave way and he came to a premature end. He first resigned, and a short time afterwards he died. To my personal knowledge he was overworked. We now have Mr. Justice White, a man who is eminently qualified for the position he fills; and I have received letters from him asking me to have an additional judge appointed for that district, because it is impossible for