

power in the matter of appointment of judges. The constitution is so framed that the organization of the courts does not rest with this Parliament, but rests with the local legislature; and while it is open to the local legislature to say that there shall be so many courts and those courts shall have so many judges, the constitution also has this singular feature, that it is the Federal Parliament which shall provide for the appointment and the payment of those judges. Though I have always considered this a strange system, we cannot administer it properly except by taking it for granted that the legislatures know better the needs of the province in that respect, and we are bound in every case to accept their decision, unless we are satisfied that there is fraud or some grave reason why such a law should not be carried out. But in this case the only additional judge, in so far as the Superior Court is concerned, whose salary is here provided for, is a second judge for the district of St. Francis. There is one judge now in the district of St. Francis, and a law recently passed by the legislature of Quebec has provided that there should be a second judge in that district. Now, upon this point I am happy to be able to quote the opinion of Sir Melbourne Tate, Chief Justice of the Superior Court for the district of Montreal, residing in the city of Montreal. In the month of September last, at the opening of the courts after a long vacation, an address was presented to Sir Melbourne Tate, the Chief Justice for the district, and in answer to this address he spoke as follows:—

While it is right and proper that justice, civil and criminal, should be administered in each district, I do not know any paramount reason why a judge should be required to reside in any of these districts, with the exception of St. Francis, and perhaps Ottawa. In the former, the work is too heavy for one judge, who has several circuits to attend besides the one at the chef lieu.

This is an eminent authority upon the point that an additional judge for the district of St. Francis, whose salary is provided for by this resolution, is absolutely required for the administration of justice in that important district.

Mr. BERGERON. He does not say it should be a new nomination. If a judge was taken from some other district and brought to Sherbrooke, it would satisfy the opinion of the chief justice.

The PRIME MINISTER (Sir Wilfrid Laurier). I do not so understand him. What the chief justice means, I think, is that at the present time the judges might very properly be required to reside in one city, in the city of Montreal, as the judges reside in Toronto under the Ontario system. In the latter province, all the judges reside in one city, and travel to different parts of the province to administer justice. For my

Sir WILFRID LAURIER.

part, I would not be averse to that system in the province of Quebec. I think it is preferable in many respects to the present system in Quebec. But, as the Solicitor General says, we have no power to do that. The law at present provides that the judges shall reside in the district where they administer justice, so many in Montreal, so many in Quebec, two to reside in St. Francis, and so on throughout the province. My hon. friend knows that one of the grievances complained of in the days before the union of 1841, was what we called then the centralization of justice. There were only four districts, Montreal, Quebec, St. Francis and Gaspé. Perhaps that system was wise and perhaps it was not; it was not wise, out of those four districts, to create twenty. I think twenty are too many.

Mr. BERGERON. We have railways now.

The PRIME MINISTER. While it is true that every part of the province is connected by railway, I see no reason why the law should not be amended by the legislature of Quebec in the direction of adopting the Ontario system under which the judges reside in one city, and then go about on their circuits. But we cannot do that at the present time.

Mr. BERGERON. Confer with the Quebec Government.

The PRIME MINISTER. We can confer with the Quebec Government, but this is not the time to do so. My hon. friend knows that governments are slow to move in these matters, and though we might confer with Quebec, I venture to say it would not be possible for the present Government of Quebec, strong as it is, to make so radical a change at once, or even within a few months, in a system which has been existing for more than thirty years. With regard to the Circuit Court of Montreal, I think it is admitted on all hands that a third judge is necessary. I do not agree with my hon. friend that the appointments which were made by Mr. Mercier at the time he created the magistrate's court, were political appointments. He appointed Mr. Justice Champagne and Mr. Justice Barry, both of whom were known to be perfectly well qualified for the position which was assigned to them. That is evident from the fact that after the legislation creating the court of district magistrates had been disallowed, and the present Circuit Court substituted for it, the same appointments were made by the late Federal Government. Now, I do not know the standing of the judges. I have not the honour of knowing Mr. Justice Purcell, but as for Mr. Justice Champagne, I think my hon. friend will agree with me that he is a most competent and admirable judge for the work he has to do. The Government will take due warning from the admonition which has been given by my hon. friend to select as good a man