

nothing changed. We have the Court of Queen's Bench sitting in appeal in civil cases and writs of error, and why is it done? Because it was impossible for the Court of Queen's Bench to hold criminal assizes in Quebec and Montreal, with eight, ten, or twelve terms of the Court of Appeal for civil cases. If we had not done so, we should have exposed the Judges to break down with excessive work. You will find nobody in Quebec, Montreal or the rural districts against that reading of the law. We desire a sixth Judge, who will be a criminal Judge to hold criminal assizes and let the other five members of the Court sit in appeal in civil cases. There would thus always be a sixth Judge of the Queen's Bench who would have the right to sit in the Court of Appeal; but the Court of Appeal would not be changed, there will always be a spare Judge to represent the others in the assizes, or the other Judges in the country when there were difficult cases. You see now how mistaken was the hon. member for West Durham in making so lengthy an attack on our judicial system and coming to such conclusions. If he had read our law very well and known our system as well as his own, he would have avoided that mistake. I speak from an experience of twenty-one years practice in the Courts of Quebec, and can say that our Superior Court Judges should not have been so denounced. He told us a long story about the action of Judge Mondelet when he was Minister of Justice. If I recollect well, the period was 176 and 1877, when our late lamented friend the Judge conceived the idea that he could not conscientiously sit in courts created by the Dominion, or try Dominion cases, and he considered that the Election Law was of this nature. This hobby or aversion also extended to the Insolvent Law. This amounted to a choking off of justice, cases accumulated, and at meetings of the Bar great complaints were made. At the time the court business required all the activity of the six Judges. The late Judge was succeeded by Judge Rainville, who fell sick at one time, when complaints and representations were sent to Ottawa to have the six Judges always available. These facts form a strong illustration of the need of a seventh Judge in Montreal. If the hon. member for West Durham had practiced there like me he would have reached a different conclusion—if he knew, for instance, that some of the Judges have twenty, fifty or even eighty cases *en délibéré*, he would not only say that we required a seventh Judge, but, as Judge Terrance lately said, not one but two more Judges were needed. The Superior Court of Montreal had an enormous amount of work to dispose of, it sitting from the 1st of September to the 31st December, and from the 16th January to the 7th July each year. Our Circuit Courts sit daily as do our Superior Courts, in their different branches, including Review and enquête, practise and enquête and merits, so that our six Judges are entirely incapable of accomplishing the work as required.

MESSAGE FROM HIS EXCELLENCY.

Mr. POPE (Compton), delivered a Message from His Excellency.

Mr. SPEAKER read the Message as follows:—

"LORNE.

"The Governor General transmits to the House of Commons, copy of a minute of Council of 5th November, 1880, on the subject of assisted emigration from Ireland to Manitoba and the North-West, together with copy of the despatch from His Excellency the Governor General transmitting the same, and Lord Kimberly's answer acknowledging the receipt thereof.

"GOVERNMENT HOUSE,

"OTTAWA, 8th February, 1881."

It being Six o'clock the Speaker left the Chair.

AFTER RECESS.

Mr. MOUSSEAU. Since the House rose I have prepared some statistics bearing on the subject upon which I

was speaking, and I will read them to the House. The expenses of the Ontario Courts, including the Admiralty Court, is \$199,069, the expenses of those of Quebec \$153,291, or a difference in favor of the latter of \$45,848. The proposed scheme of increasing the salaries of the County Court Judges, will involve a cost of at least \$20,000. The proposed increase in the number of Judges in Quebec will involve a cost of about \$10,000, so we have a total of \$55,848 as the difference between the two Provinces in this respect; and I do not think it gives any reasonable ground of complaint. The hon. gentleman had only made his complaint with regard to the district of Montreal; but, on the other hand, an hon. member of this House has brought up a memorial from the counties of Chicoutimi and Saguenay, complaining that all the advantages in connection with the administration of justice go to the great centres like Montreal, to the detriment of the rural districts. The memorial states:

"Je vous dirai seulement: voyez là ce grand centre de colonisation qui y est en activité; voyez cette population de 30,000 âmes: voyez ce commerce très considérable; voyez les autorités religieuses qui y ont mis le siège d'un évêché. Avec ces faits, il n'y a pas un homme d'expérience qui ne puisse dire qu'il n'y a pas là des affaires suffisantes pour y occuper un juge qui y résiderait. Ne serait-ce pas un honneur pour un juge d'administrer la justice dans un district aussi important et de tant d'avenir, et de rivaliser de zèle avec notre digne évêque pour y remplir ses devoirs, et contribuer au bien être et à l'avancement de ce district?"

Un juge n'est pas utile seulement pour présider les termes de la cour; il a encore une foule de fonctions administratives et judiciaires très importantes à exercer en dehors des termes,—par exemple: les pouvoirs que lui donne la loi contre les détenteurs illégaux des terres dans les townships,—pour juger les requêtes en cassation de brefs de *capias*, ou de *saisie-arrêt simple*,—pour donner la possession provisoire des objets saisis revendiqués,—pour le séquestre, les poursuites entre locataires et locataires,—pour la contestation de listes électorales,—pour les brefs de prérogative,—pour l'*habeas corpus* au civil et au criminel,—pour les compulsions,—pour les assemblées de parents,—pour la vente des biens des mineurs,—pour l'apposition et la levée des scellés,—pour régler les difficultés lors de la confection des inventaires, pour les enquêtes,—et pour mille autres sujets.

Voici une population de 30,000 âmes dans le district de Chicoutimi, qui est privée des secours d'un juge dans tous ces cas.

Avec un juge résident, le district de Chicoutimi aurait des termes au moins tous les deux mois; il y aurait de plus des circuits dans deux endroits du lac Saint-Jean. Je remarquerai que les plus beaux établissements du lac Saint-Jean se trouvent à 80 milles de Chicoutimi, ce dernier endroit est à 90 milles de la Malbaie, et à 150 milles de Québec. La justice y sera distribuée promptement, sans précipitation, et sagement: elle sera à la portée de tous. Les frais seront de beaucoup moins considérables. Les colons auront une plus grande protection; plusieurs d'entre eux, ne pouvant prendre possession de leurs lots à moins d'un long et ruineux procès, ont, à ma connaissance, quitté le Saguenay, et sont probablement maintenant aux Etats-Unis. Ces lots sont encore en bois debout, et appartiennent à des spéculateurs.

Je n'ai aucun doute que l'honorable procureur-général de Québec rendra justice à Chicoutimi, et, par là, secondera les efforts de M. le seigneur l'évêque de Chicoutimi pour l'avancement de ce district.

NOTE.—Le district de Montréal a une population de 210,803 âmes. Le gouvernement lui donne sept juges, soit un par 30,114 âmes.

Le district de Québec, dont la population est de 159,397 âmes, possède 4 juges, soit un juge par 39,849 âmes.

Le district de Rimouski, avec une population de 27,418 âmes—plusieurs mille âmes de moins qu'à Chicoutimi—possède un juge.

Le district de Gaspé, ayant une population de 33,652 âmes, a l'honneur d'avoir 2 juges, soit un juge par 16,826 âmes.

Les districts de Kamouraska, d'Arthabaska, de Bedford, de Beauharnois et de Saint-Hyacinthe, dont la population n'est pas beaucoup plus considérable que celle de Chicoutimi, ont chacun un juge.

Et Chicoutimi, avec une population de 30,000 âmes, qui dans cinq ans sera peut-être de 40,000 âmes, isolé, à 150 milles de Québec pour les endroits les plus près, et à 250 milles de Québec pour les établissements du lac Saint-Jean, n'a pas de juge!"

We must consider this matter from the highest point of view, and we must admit that, in order to remedy the evil complained of, it is not necessary to change a system which has operated so beneficially. I notice that the hon. member for West Durham endeavored to persuade the House that by that increase of the number of judges, and by the increase of the salaries of other judges, our conduct was clashing with our promises on the hustings, and with the blame we cast on hon. gentlemen opposite when they were in power. But I wish to inform him that our party is not a party of promises, and that it is