

extraordinary and abnormal results have flowed from its exercise in order that we may, if we can, ascertain the reason of this, and guard against such results in the future. Whether this occurred from improper appointments at the start, from improper retirements at the close, from such very great disagreeabilities, as I frankly admit there have been surrounding the position of the Judges in Quebec for some years past, and to which one of the learned Judges of the Supreme Court has alluded in a communication—or from chance, or from the operation of all these causes combined, I am not now about to enquire. But the fact is there, and it is a grave, important fact, well deserving of our attention. At any rate, I think I have proved by these figures, that it cannot be said that the demand for additional Judges in the Province of Quebec can be in any sense due to the circumstance that the Judges have become latterly more infirm, since I have shown you that a most liberal use of the power of superannuation has been made—that very many of the Judges are new appointments—that several have been removed, by death, and that, therefore, you are dealing with the case of a practically remodelled Bench, so far as the men are concerned. If that circumstance has nothing to do with it, have any other circumstances to do with this demand? Is there any increasing litigation due to an increase of population? Certainly not. The population of the Province of Quebec, as I observed the other day, as shown by the census of 1861 and 1871, is almost stationary. The increase in that decade was very trivial. It is quite true that a large proportion, almost the whole of that increase, took place in certain urban populations, and that, therefore, might be a reason for additional judicial strength being required in those cases. But, take the Province of Quebec as a whole, and there can be no doubt there have been no such changes in its circumstances as far as population goes, as would not be vastly over-supplied by an addition to this Superior Court equivalent to 44 per cent., without raising it 50 per cent., which is the present proposal. And while that is the state of things from 1861 to 1871, it is probable that the population has not exhibited any greater increase of population in the current than in the last decade. Well, is there any increase in the litigious spirit of the people? I know an old French monarch once said that the warlike spirit of the French nation exhibits itself in times of peace by these civil or private wars waged among the inhabitants in the Courts, and therefore, whatever be the litigious spirit of the people, it is tolerably ancient in its origin. There is no reason to believe that there is any increase in the character or intensity of that spirit. Is it by reason of any greater facilities for litigation? I think not. There is one important diminution in the matters litigated—I allude to the abolition of the Insolvency Laws—and I am not aware of any other subjects in which there have been given to the people of that Province materially greater facilities for litigation than formerly existed. But I am prepared to abide by the facts in the case, to enquire what the condition of litigation actually is in the district in which it is said additional strength is required, and to be judged by those facts as justifying me, or the reverse, in the position I take. Now, the fact is, that in the district of Montreal there has been not only no increase, but a most marked and tolerably graduated decrease in litigation in the past five years. The Montreal business, as evidenced by the writs issued in the Circuit and Superior Courts for that district is as follows—

I give the round figures:—

1876	In the Circuit Court	14,000
1877	“	12,200
1878	“	10,700
1879	“	10,800
1880	“	8,200

So that there were 49 per cent. more writs issued in the Circuit Court in 1876 than in 1880. Now, in

the Superior Court, the numbers are as follows. Writs issued in

1876	4,400
1877	4,300
1878	3,600
1879	3,600
1880	2,600

So there were 58 per cent. more writs issued in the Superior Court in 1876 than in the year 1880, in which the Provincial Legislature has proposed to add to the number of Judges to discharge the duties of that district. And you must remember that while the business has been diminishing, the staff has been increasing irrespective of the enlargement now proposed. Now, I have shown that in the Circuit and Superior Courts taken together the business was more than 50 per cent. greater in 1876 than in 1880; but you must add to this the fact that the insolvency business, which pressed heavily on the Judges in 1876, 1877, 1878 and 1879, has also been removed. It pressed so heavily that, as I shall show presently, the Judges proposed the appointment of a special Judge in Insolvency for the district of Montreal, whose whole time was expected to be devoted to that work, and, considering the work of the Judges on the basis of numbers, upon him would have been thrown one-sixth of the whole judicial work. This enables us to judge of the great reduction in the judicial work. Besides, within four years the Montreal Judges have been relieved of some of their outside work; the Terrebonne district, formerly assigned to and taken by the Judges of Montreal, has been joined to that of Beauharnois, and therefore the Montreal Judges have been, as the Bar suggested they should be some four years ago, relieved from the discharge of some outside duties which, during the high tide of local business which prevailed in 1876, they were burdened with. You must add to this the further fact that besides being relieved of that outside duty, they have been given, under Provincial Legislation, to which I shall presently allude, a greater measure of relief, that the law which provides for other Judges being brought into requisition to assist them has, during the same period of time—in 1877, if I remember rightly—been so amended as to give greater elasticity to its provisions, and to enable the Superior Court, as a whole, to avail itself more largely of the services of outside Judges to supply deficiencies in the judicial power than at any former period. So that there has been an enormous reduction in the amount of labor and a considerable increase in the strength of the judiciary through the power of calling in outside Judges to assist. Now, Sir, under these circumstances, I think I might ask the hon. Minister to consider whether there is not strong ground to believe that this is not precisely the time at which we should add another Judge to the Judges of the Superior Court of the district of Montreal. If the work could be got through at all in 1876 and 1877, when you had more than one half as much work again as you now have—much more than one half considering all these ingredients—can you not get along with the largely diminished work without adding now to the staff? There is one more test which I will apply to this question—the test of the actual results with reference to the lists. Take the list of cases inscribed for review in Montreal in September last. The number was not less than eighty cases. You are aware that it is competent for practitioners to add from time to time fresh cases to the list, and these cases with those undisposed of at the preceding term form the list for the succeeding term. The list for November last was only fifty-four, showing that there had been a very large diminution in the number of arrears. The list for December was only twenty-seven, showing that there had been a still greater diminution, and that the Judges had been able, not merely to keep pace with the current inscriptions for review, but also to clear off practically the arrears which