

Cartier, complying with that universal feeling, introduced a Bill to give effect to it. I have before me the first speech on the subject, delivered by Sir George Cartier, that great statesman, who labored earnestly for his country's welfare. In that speech, which was delivered on 23rd April, 1857, he explains why the demand of the people ought to be satisfied, and he gave a historical sketch of the various preceding systems and concluded by showing the necessity of the new system. There was in the House at the time, Hon. Mr. Dorion, now Chief Justice, Mr. Papin and all the Liberals who were elected at the general election of 1854. All those gentlemen admitted that the principle of the Bill was correct; they did not obstruct the measure; on the contrary, they assisted in amending it so as to make it as perfect as possible. So that we have, from 1845 to 1857, a unanimous feeling demanding the new system of judiciary decentralization. Well, it was quite right. There for a long time existed three districts in the whole Province, which were really kingdoms in their extent. In 1857 they were increased to eighteen or nineteen. If the House would listen to the hon. member for West Durham (Mr. Blake) and accept the lessons of his lecture, the whole Quebec system would have to be surrendered. It is, however, too well known for the Province to go back on it. I do not presume to say anything more about its character, more than that of the system of Ontario or other Provinces. So long as justice is administered by human beings it will be full of imperfections. It is so in Quebec as in the other Provinces. Our Judges are not perfect; they are not models of virtue and activity not more than we are; but on the whole our system is nearly perfect. The measure introduced by Sir George Cartier was before the House many days. Mr. Drummond, Mr. Dorion, Mr. Papin and others, unanimously acknowledged the principle of the Bill, and did not oppose but sought to perfect it. Those hon. gentlemen moved some amendments in Committee of the Whole, and most of them were accepted by Sir George Cartier with a view to perfect the Bill. The hon. gentleman quoted many figures and extracts; but there are certain principles of legislation which cannot be governed by these details. It was something like a paper in Montreal, the other day, trying to prove that we ought not to accept the Canadian Pacific Railway scheme, because by taking one dollar bills and placing them side by side, they would, to make up the cost of this railway, go around the world. The hon. gentleman seems to me to have spoken in that way. It is not by citing a number of cases that the hon. gentleman will prove to the people of Quebec that they should give up their system which is demanded by the whole population of both political parties. In listening to the hon. member for West Durham, one would imagine that the Province of Quebec was most unfortunate in its judicial system. We heard him complaining bitterly that our Judges are already too numerous. Well, if we take the census of 1871 and compare the number of Judges, according to population, in Ontario and Quebec, we shall have some startling results. The Province of Ontario, which is smaller in extent than the Province of Quebec, has 61 Judges, while Quebec, with the two new ones, will have only 34. The whole cost of the judiciary of Ontario, in round numbers, is \$200,000, while the cost of the judiciary of Quebec, is \$153,000, a difference of \$46,000 or \$47,000; but if the increases in the salaries of the Ontario County Court Judges asked for are granted, this difference will be increased to \$66,000 or \$67,000. Yet the hon. gentleman says that we have already too many Judges, and that this Parliament ought not to pay the salaries of these two new Judges. Now, I want to point out some of the good results obtained from the system of *décentralization judiciaire*. It created new opportunities for good men, who became not only good lawyers, but good public men, and good Judges. It

Mr. MOUSSEAU.

taught the rural districts to depend on themselves. We know that if we have so many able lawyers and eminent men, it is due to our system. We know that one district in the space of fifteen years furnished one Minister, two or three members of Parliament and five Judges, one or two of whom came to Montreal and were not inferior, certainly, to the Judges taken out of the Montreal Bar. This is an illustration of the great benefit which the Province of Quebec derives from that system which the hon. member for West Durham would like to see completely abolished. As I said in the beginning, I shall not contend that everything is perfect in our Province, that nothing in the present order of things should be disturbed. If the hon. member for West Durham could have made his speech in the Quebec Parliament, it would have been better. It is not within our Province to set up those grounds, nor to refuse to pay the Judges created by the Quebec Legislature. What the hon. member for West Durham said was already said by many members of the Montreal and Quebec Bar. In no country are the litigants, lawyers and Judges all satisfied. The Judges are often inclined to think that their salaries are too low. We often receive complaints that the Judges salaries are too low, and again that they do not work enough. It has become a proverb that a lawyer should be allowed twenty-four hours to curse his Judge. There is a class of people that will always complain of a judicial system, the class of litigants who lose their cases. When a man has lost his case after appealing it from an inferior court to higher courts, and finds he has to pay costs of several hundred dollars on a case of \$100, he feels inclined to curse the system, lawyers and Judges. As the hon. member for West Durham has moved no amendment to these resolutions, no doubt he acknowledges that the principle is right, that Provincial Legislatures have the right to create new Judges, and that it is our duty to provide for the payment of their salaries; so that the last part of the hon. gentleman's onslaught on our judiciary is only theoretical. He has not been very happy in the choice of his arguments. Take the Court of Queen's Bench. He quoted in great satisfaction the opinion of Mr Justice Ramsay. I had the honor to study under that Judge. He is a personal friend of mine, and a man of high culture and ability as a Judge, but that does not make him infallible. He may have committed a mistake, and his opinion in this instance has against it the decision of the Quebec Parliament, both Conservative and Liberal, in which are men of high attainments in the legal profession. This Parliament, both Rouge and Bleu, declared unanimously that the Province of Quebec required a twenty-seventh Judge of the Superior Court and the sixth Judge of the Court of Queen's Bench. Mr. Justice Ramsay argued that the Judges of the Court of Queen's Bench might have done more business by having longer and increased number of terms. That was tried, and what was the result? The Chief Justice held the Criminal Court in Montreal on the 24th September last. On the 28th October that term was over, and, on the 2nd November, he began sitting in the Court of Appeal and attended it regularly until the last day of November. He then went to Quebec and sat in the Court of Appeal there from the first to the ninth of December, after which he came to Montreal when he sat in the Court of Appeal from the 11th of December to the eve of Christmas. The result was that the Chief Justice's health became nearly broken up, and it was to avoid occurrences so disastrous that the Quebec Parliament determined to increase the number of Judges. Since that time Mr. Justice Ramsay has partially changed his opinion. The hon. member for West Durham did not perhaps read the Bill when he made his speech. That Bill did not increase the number of Judges of the Court of Appeal. The Court of Appeal would sit as formerly with the same quorum as before; so that there is