

Mr. Abbott ventured to say that the Lower Canadian Judges were quite equal to their position and opportunities. Their administration of justice he believed to have been satisfactory. There had been complaints from Montreal, but that was owing to the number of Judges being too limited, and hence he strongly deprecated the tone of the press and some members of the House on the standing and efficiency of the Judiciary of Quebec. He would, too, call attention to the fact that the Judges in Montreal were very inadequately paid, and received only such salaries as would induce second or third rate men to go on the Bench.

Mr. Irvine said that there were reasonable grounds of complaint, there could be little doubt in the minds of those listening to the debate, but he believed these grievances had been exaggerated. He himself was aware, for instance, that the Court of Appeal which should have five members had only four for years past; but it happened thus:—One of the most distinguished ornaments of the Bar, who had held position in that Court had been, from illness, incapable of performing his duty. Under these circumstances a number of suits coming before that Court could not be settled by the four Judges now presiding. And there were similar cases from which the evil arising from the small number of Judges in Quebec was apparent.

After recess,

Hon. Mr. Cartier thanked the honourable mover for having brought forward this discussion regarding a subject of such gravity and importance as that of the Administration of Justice in Lower Canada. It was a source of great pleasure to him to have heard the gentlemanly speeches of the honourable member for Argenteuil and the honourable member for Megantic, and he considered that the observations of the honourable member for Hochelaga had been answered before he had the misfortune to have spoken. Every member of the House had heard his statement that six of the Lower Canada Judges were incapacitated from age, chronic diseases, or enfeeblement, and added that one other was a scandal to the Bench from his immoral or intemperate habits. He (Mr. Cartier) had never been responsible for his elevation of any Judge of such conduct, and any Judges or Queen's Counsels who had ever been appointed in lower Canada on his recommendation would contrast most favourably with

those recommended by the honourable member. He had no hesitation in admitting that the administration of Justice had suffered from the age of some of the judges, which was no dishonour or disparagement to their body, but the state of things contrasted most favourably with that existing before 1857, when he had undertaken the difficult task of combining reform with economy, creating new districts, and providing for the wants existing at a lesser cost than had previously been expended. The whole number of Judges in Lower Canada was only twenty-three, while in Upper Canada there were forty, a much greater number in proportion to the population. The system which he had introduced had facilitated the transaction of business by removing the previously existing necessity for the presence of a full bench, and this system would compare advantageously with any existing in the world, where perfection was not to be expected. The decision of one honest Judge, independently expressed, was more to be relied upon than that of a large Court, whose judgment were liable to be biased either by undue mutual antagonism or mutual acquiescence, and the expansion of the system effected by him in opposition to the legal efforts of the Province, of which this was an important feature, had been brought about without any additional burden to the country, and, notwithstanding the opposition of some of the Judges, succeeded in working itself through, in spite also of the obstacles occasioned by the infirmities of some of its administrators. Such infirmities he was too generous to meet with condemnation, and thought that a judge who admitted that he was thus disqualified for performing his duties in the efficient manner he thought requisite, was an object rather for respect and sympathy. But he denied altogether the assertion that there were thirteen judges unfitted for their position, and regarding those who had been branded with immorality or dishonesty challenged the honourable member for Hochelaga to name them. The honourable member had also made sweeping charges against Queen's Counsels, but he (Mr. Cartier) was perfectly prepared to defend his appointments, and could, were he sufficiently indiscreet, reveal an application of the honourable member's for an appointment to a certain office (he would not say which) which would scarcely bear such scrutiny. He would not, however, be so injudicious. He knew some things that he kept to himself (much laughter). Referring more particularly to