

districts; it would increase his practice. There is assuredly nothing to be astonished at that the lawyers of the city of Montreal should be in favor of judicial centralization. I will thank, in a special manner, the hon. President of the Privy Council, who is a Montreal lawyer, for having treated this subject from a broader point of view than a sectional one, for having done justice to the country districts, and for not having shown the egotism displayed by his *confrères* whose practice is in cities. We must consider that there was another reason for this judicial decentralization, and it is that when it was brought about, it was in order to bring justice within the reach of those requiring it. The Province of Quebec is one of great extent, and the cities of Montreal and Quebec cannot pretend to constitute the whole Province. There is, for instance, the district of Chicoutimi, which is at least 200 miles from Quebec; we have no railways to communicate with the city of Quebec, which we can only reach when navigation is open. Well, Sir, at Chicoutimi there is at present a population of 30,000 or 40,000 souls; much activity reigns there, and there are many cases, yet there is not any Judge. When it is necessary to institute proceedings, when the authority of a Judge is required, one is obliged to go to Quebec, 200 miles distant, and to go thither it takes three days, and three days to return. I say, therefore, that it is unjust that the residents of the district of Chicoutimi, requiring the authority of a Judge, should have to travel to Quebec to ask for it. It has been said that there are not many cases in the country districts, and the hon. member for Jacques Cartier has quoted statistics. The hon. member found it an easy task to quote statistics, but he did not take the trouble of looking up the official statistics, of turning over the leaves of the *Official Gazette* in the Library. He contented himself with using a tabulated statement, taken from a book published by a member of the Montreal Bar. I say that those statistics, in so far as the district of Chicoutimi is concerned, are totally incorrect and incomplete. I cannot give the exact figure of the number of cases in the district of Chicoutimi, because they are not at hand; but I reside in that district, I am cognizant of what takes place there, and I will give the number of proceedings instituted in the Court of Chicoutimi. In the city of Chicoutimi there are generally 600 or 700 Circuit Court cases taken up per annum. There is a Circuit Court at d'Hébertville, 18 miles from Chicoutimi, where about 200 cases are taken up per annum. Here there are about 900 Circuit Court cases in the county of Chicoutimi alone. In the Superior Court at Chicoutimi there are generally about 35 to 45 cases a year. Thereto must be added a like number of Circuit Court cases in appeal, and which in Montreal come within the jurisdiction of the Superior Court. Moreover, there are all the incidental proceedings which occur at Chicoutimi as well as elsewhere, and which are considerable. There are likewise, as well as elsewhere, divided opinions as to the validity of municipal elections; often, as well as elsewhere, there are divided opinions as to the validity of electoral lists. Well, it is impossible for us to control municipal elections, or to control electoral lists, for in order to do that we should have to go to a Judge residing in Quebec. The Judge visits us three times a year, for it is but a visit that he pays us; he calls upon us at the end of May, in October and in January; each time he remains at most ten days, or in other words, there are but thirty days in the whole year, when we have the opportunity of having recourse to the authority of a Judge. The hon. member for Jacques Cartier has said that the Montreal Judges are far more occupied, that they have much business in chambers, that there are a thousand proceedings to be carried on in chambers. "If," says he, "an application to quash a *capias* has to be made it is necessary to make application to a Judge in chambers, and the Judges are busy from morning to night; therefore another Judge is

required in Montreal." I would ask the hon. member for Jacques Cartier how he can expect that we should have chamber business in Chicoutimi, when there is not any Judge? I do not blame the Judge; the law has only appointed three terms for him; the proclamation, which fixes three terms only for the district of Chicoutimi, dates as far back as 1857, and the Judge holds these terms regularly. Justice is well administered by him; his honesty and integrity are above suspicion; he is a man who does honor to his position; he is a man whom we like and whom we would like to see among us. We hold him in such high esteem that we would like to have him amongst us from year's end to year's end. I will give a case in point. Let us suppose that three months before the term, three months consequently before a Judge is to be had, unscrupulous litigants—and there are such men—put their heads together and say: "The Judge cannot be with us for another three months; let us take out a *capias* against our debtor and put him in prison. Sooner than remain therein three months he will give up his goods to us; he will give us his horse, his cow, and his other goods; he will prefer to surrender them to remaining in prison." In this way do unscrupulous creditors collect their debts. Were a Judge present, and were an application made to him, the debtor would get justice. But there is more than that. There is that class of plaintiffs who have doubtful debts. What is their conduct? Well, two or three months before the term, knowing that it is impossible for the debtor to obtain justice, they will take out a *saisie-arret* before judgment; they will seize all his goods, they will even seize the goods that are exempt from seizure according to law, such as his horse and his cow; they will take his chattels and will appoint a guardian who is their friend, and the unfortunate debtor will give up to them his horse and his other goods to get back his cow, which is the only support of his children. And thus does one say that there is no business in those districts. I am going to mention a number of instances where the presence of a Judge is required. A Judge, Mr. Speaker, is required not only to preside at terms, but he has, moreover, to fulfil a number of administrative and judicial duties out of term. I will mention, for instance, the power conferred on him by law in the case of those unlawfully holding lands in the township; in the case of judgments on applications to quash writs of *capias* or of *saisie-arret simple*; in that of giving provisional possession of chattels seized and revendedicated, in that of sequestration, in that of suits between landlord and tenant, in that of contested election lists, in that of writs of prerogative, in that of civil and criminal cases of *habeas corpus*, in that of compulsories, in that of family councils, in that of the sale of minors' effects, in that of the application and removal of seals, in that of settling disputes in the making out of inventories, in that of *enquêtes*, and in that of a thousand other things. And here is a population of from 30,000 to 40,000 souls, in the district of Chicoutimi, which is deprived of the assistance of a Judge in all those cases. And, after all that, people will say with the hon. member for Jacques Cartier that it is necessary to recall the Judges to town. More remains to be said. I will now take up the contested cases, and will show the enormous injustice arising from the present state of things in the district of Chicoutimi, and all because judicial decentralization is not complete. We have a term three times a year: six days of Circuit Court, six days of Superior Court. Generally speaking, it is impossible for us to proceed with the preliminary investigation in cases contested in the Superior Court otherwise than before a Judge. What follows? Why, that a case is entered for *enquête* and for examination on its merits, the Judge arrives, the term commences, it is the first case on the list, a large number of witnesses are called, the *enquête* is commenced in the morning and is continued all day and the next and so on for the next six days.