

to assist in the performance of that duty. My right hon. leader, however, drew my attention to this clause of the Bill, and expressed the opinion, in which my hon. friend shared, that perhaps we are going beyond our powers in introducing the legislation in its present form; and in order to comply with the request of my leader and my hon. friend, I have amended the Bill so as to make it read:

Shall be certified by the chief justice or judge discharging the duties of chief justice in that district, that the attendance of such judge was necessary in his discretion.

Mr. BERGERON. I understand that this Act was passed by the Quebec House last session at the solicitation of the county judges.

The SOLICITOR GENERAL. It had the unanimous support of the bar.

Mr. BERGERON. A great deal has been said about the system of our judicature in the province of Quebec, and I do not want to take up the time of the House by repeating what has been said. I want, however, to emphasize the fact that our system really needs amending. The other day I asked my right hon. friend whether, since we are called on to pay, it would not be proper that he should confer with the local authorities, and in the course of the discussion to-day the right hon. gentleman mentioned one way by which he could force the Quebec legislature to confer with him on this question. We are not obliged to vote this salary. The Quebec legislature may ask for one or more judges, but we are not obliged to vote the money to pay them. It was decided by this House, under the direction of the late Sir John Thompson, that we need not grant the nomination of the judges they ask for if we do not think they are needed. The right hon. gentleman spoke of the address of Sir Melbourne Tait, chief justice of the province of Quebec. I was present when the chief justice gave that address, and have read it, and I did not understand him to say that there should be new appointments, but merely that there ought to be two judges in Sherbrooke. There are sufficient judges in the province of Quebec at present to provide for two at Sherbrooke by taking one from somewhere else. This new appointment is purely and simply a political one, and hon. gentlemen opposite are taking advantage of the law passed in Quebec a few years ago to make this political appointment.

The PRIME MINISTER. Have we the power, if we called on Mr. Justice Lynch to discharge the duties of a second judge in the district of St. Francis, and if he refused, to compel him to do so?

Mr. BERGERON. I do not say that, but I say that if the Government would refuse to appoint a new man, the chief justice would have to apply to the Quebec legisla-

ture to have one of the judges not required in the other districts sent to Sherbrooke. We are legislating here for the whole country, and we should do so on business principles and not on party exigencies, and although the present Government is not responsible for the existing state of things, that does not make it any better and does not justify us in doing anything to continue it. There are now sufficient judges in Quebec—

Mr. CASGRAIN. There are too many.

Mr. BERGERON—but the work is badly distributed. In Montreal the right hon. gentleman knows that there is as much as and probably a great deal more, litigation than in all the rest of the province, and my hon. friend the Solicitor General has gone so far as to say that there is more than in the whole province of Ontario. There are not sufficient judges in Montreal. Three or four more there would only enable the courts to keep up with the work from day to day, but there are judges in the country who have nothing to do. Is it not time therefore that an effort should be made to have the system changed? Let me give you, Mr. Speaker, for the edification of members from the other provinces, an evidence in support of what I say. We had a judge in Montreal, who was respected and esteemed by everybody and who has lately been raised to the position of Lieutenant-Governor of the province of Quebec. I refer to Mr. Justice Jetté. He was looked upon as one of the most painstaking and distinguished jurists in our province. Whether the salary paid to him was insufficient or not, I do not know, but he not only acted as judge, but also as professor at Laval University. I have no doubt that it was not because of the paltry salary paid a professor that he so acted, but because he was fond of study and the teaching of law, but all the same the time devoted to his professorship was not given to the study of the records in the cases on which he sat. More than that, he also administered the Beaudry estate, for which he got a salary, and though I am equally inclined to think that it was not for the salary that he did the work, nevertheless the time he had to give to it was not spent in the study of his judicial records. What was the consequence? It was that when he was appointed Lieutenant-Governor, in over eighty cases which he had taken en délibéré, the délibéré had to be discharged, to the great expense of the clients and inconvenience of the lawyers, and had to be tried over again. Out of these eighty records, there was one case that had been pleaded in 1886, and which had been kept en délibéré by Mr. Justice Jetté ever since. The case had to be pleaded over again, and on Monday last judgment was rendered by Mr. Justice Gill of Montreal. Yet Mr. Justice Jetté was one of the best judges in the province and

Mr. BERGERON.