

proving that the Judges in the district of Montreal did more work than any other Judges in the Province of Quebec, show that the Judge of the district of St. Francis did more work, although he receives \$1,000 less pay, than any one of the Judges in Montreal. If hon. members will take the return for 1879 they will find that in Montreal 860 contested cases were decided in the Superior Court. There were during that year at least seven Judges to do the work in Montreal. There was always one Judge from the country districts assisting the Montreal Judges; there were generally two and very often three. In fact, a very large part of Circuit Court work was done by outside Judges. If hon. members will take as a safe estimate seven Judges and divide the number of cases decided in that year by that number, they will find there was an average of 123 cases to each Judge; while in the district of St. Francis, 169 contested cases in the Superior Court were decided by the single Judge, which gives forty-six cases over the average for each Judge in the district of Montreal. In that year 2,358 Circuit Court cases were decided in the district of Montreal, which was an average of 322 cases for each Judge, while in the district of St. Francis nearly as large a number, namely, 281 were decided by the single Judge. But this was only a return for the district circuit, not for the six county circuits which are attended by the resident Judge in that district. Besides this work done by the Judge in the district of St. Francis, it should not be forgotten that he does the criminal business in that district; that he holds two sessions of the Court of Queen's Bench; that he also attends to six circuits, three terms each, in every year, and those circuits are situated at a distance from sixteen to forty miles from his place of residence; that he has, besides doing all the work in his district, to preside at proof sittings the last six days in every month at the *chef lieu*. I think I am justified in saying that he does more work than any one of those Judges in Montreal, about whom we heard so much last Session. But this agitation in Montreal by the members of the Montreal Bar, naturally affected the Attorney-General of Quebec, who is a member of the Montreal Bar, which culminated in a Bill passed at the last Session of the Quebec Legislature, providing for the appointment of an additional Judge to reside in the district of Montreal; and at the last Session of this Parliament a salary was provided for that Judge. Now, this was done notwithstanding the fact that one of the Montreal Judges, Judge Torrance, during the discussion in the Quebec Legislature, published an open letter over his own name in the *Law Journal* of Montreal, to the effect that the Judges of Montreal did not consider it advisable or necessary that an additional Judge should be appointed; and we must conclude that the Local Administration have come to the same conclusion, since they allowed nearly a year to elapse before issuing the proclamation which brought the Act into force, and the Dominion Government have not yet made the appointment. But the motion refers more particularly to representations made during the last twelve months with reference to this and other appointments. I do not know that such representations we are reported to have been made, have actually been made, but I think it is desirable that some declaration should be made by the Government, some return should be brought down, so as to set at rest the question whether such representations have been made or not. It was reported in the public press, shortly after the adjournment of Parliament, that a delegation supposed to represent the Montreal Bar, or rather the English portion of the Montreal Bar, came to Ottawa and urged upon the Government the appointment of an English-speaking lawyer as the seventh Judge, on the ground that Montreal was the commercial metropolis, and that their French Canadian *confreres*, though very able lawyers in other respects, were inferior to the English section as commercial lawyers. It is also reported that the French Canadian members of the

Quebec Bar, represented very strongly to the Government that the appointment belonged to them, on account of the preponderance of the French Canadian population in Quebec. But the most extraordinary representation of all is not a matter of surmise, but a matter of record. It is to be found in the *Legal News* of December last, in the shape of a report by the Montreal Bar, and reads as follows:—

"The nomination of a seventh Judge to the Superior Court of Montreal, and the changes suggested with a view of shortening the *enquêtes*, and putting an end to long *delibérés*, would render scarcely necessary, in the future, any assistance being given by *les juges étrangers*. When it will be necessary to have recourse to these Judges, we hope that the hon. Chief Justice will consult the Judges of Montreal and our *batonnier*, with the view of avoiding an invitation being given to these Judges who have not the confidence of the Bar of this district, particularly those whose presence at Montreal has given rise to very general complaint. In case this representation should not be regarded, it will be the duty of our *batonnier* to convoke, without delay, a new meeting of this Bar."

Now, you will observe that the last paragraph contains a very formidable threat, one which allows the fullest play to the imagination of those who are terrified by it. If these gentlemen of the Montreal Bar had plainly set forth what they intended to do after another meeting of the Bar had been called—whether they intended to declare a rebellion, or whether they intended to attempt to capture the Custom House, or St. Helen's Island, or to proceed to Ottawa with a view of seizing the Capitol—some measures might have been taken to protect the public interests against them. But they simply say, that if the Chief Justice will not consult them with reference to each of the country Judges whom he asks to go to Montreal to assist in the performance of the duties of the Montreal Judges, they will call a meeting of the Bar. You can imagine the terror this threat struck into the hearts of the stranger Judges who had been in the habit of coming to Montreal to assist the Montreal Judges in the performance of their duties. You can fancy what embarrassment it must have caused Chief Justice Meredith and the Montreal Judges, lest by some accident they might not always be fortunate enough to select a Judge who would be agreeable to these gentlemen, and we must suppose it caused the Government some uneasiness, particularly when that threat was emphasized by the placing at that time of infernal machines in and around the Court House at Montreal. I do not suppose any proof was forthcoming that it was the committee of which Mr. Pagnuelo was secretary that placed these infernal machines around the Court House, but the fact of their being there at that time was very mysterious, and looked very suspicious. I desire to add that it is reported more recently that after the lamented death of Judge Laframboise a deputation from the city of Quebec waited on the Government, and urged that the appointment of a successor belonged to the Quebec division of the Bar, for the reason forsooth that Gaspé is nearer to Quebec than it is to Montreal. While the district of St. Francis is the third district in importance in the Province of Quebec, it has not a representative on the Bench at all; and we must conclude the reason to be that there are no members of the Bar in that district qualified for the position. We do not ask for a representative because we are nearer to the vacancy than some other district. We believe that the Government should not consider political exigencies, questions of nationality, questions of residence or proximity, in the appointment of Judges in the Province of Quebec. We believe that the sole and only consideration in the selection of men for the performance of the duties of that high and responsible office should be fitness. We trust the Government will not be terrified by the threat contained in this report, that unless the wishes of these gentlemen in Montreal are acceded to, another meeting of the Montreal Bar will be convoked.

Motion agreed to.