

believe I am not exaggerating in stating that in it there is in my Province a great deal of dissatisfaction over the administration of justice, which does not, however, go so far up as the *personnel* of our Judges. Most of them, no doubt, are men of great learning and hard workers, although both political parties have been too often controlled by political exigencies in the selection of judges to make room for unfortunate, perhaps useless, politicians. It is, perhaps, also due to that cause that we find so many Judges on the pension list. Another cause may be that our Judges work too hard for too small salaries—I am referring to the districts of Quebec and Montreal where living is very expensive; and, of course, being entitled to a pension after ten years service of two-thirds of their salary, they asked for it not as a matter of discretion, but of right, preferring to retire to private life to killing themselves on the Bench, and even to practice as *avocat consultant*. I was very glad to hear the member for West Durham eulogizing our civil code. As a student of the Roman law, as a chancery lawyer, he had occasion during his professional career to admire the great principles of that law which is the basis of our civil code, of which our Province is justly proud. But I must say, as a member of the Bar of Quebec, I am not as great an admirer of our code of civil procedure. It was based no doubt on an ordinance great for its time, that of 1667, and also upon the commentaries of an old commentator on that ordinance, Pigeau, but those rules of procedure, correct no doubt 200 years ago in a community not commercial, cannot so well apply to a community like ours. I subscribe also to the remarks of the member for West Durham, that we can with great advantage borrow, from Ontario and other Provinces, measures which would be an improvement to our rules of procedure. In examining this question we can only make suggestions. Our jurisdiction in this Parliament is very limited under the British North America Act. We have only the power to appoint Judges and provide for their salary; the organization and maintenance of the Provincial Courts are left altogether to the Provincial Legislature, so that we have to act but as an executive body to carry out their wishes; we are almost in the position of a banker against whom a depositor draws for funds; we must honor their cheques. But at the same time it cannot be denied that if we must grant the salaries of judges, we have the right to offer suggestions without unduly interfering with their functions, and the more that they would come from a very disinterested body. The whole difficulty is not, in my opinion, the nomination of a seventh Judge, who must be appointed at any rate, as he is needed in the district of Montreal; but before two or three years the same need will be felt again, as the system is bad. The decentralization of justice, which was much needed in 1857, does not now exist to the same extent. In 1857 the Province of Quebec was traversed only by one railway, from the western frontier to the Eastern Townships, the Grand Trunk, when the means of connection with the large centres was very difficult to the rear districts. People residing some thirty, forty, or fifty miles from Montreal had to take two days to reach that city and then decentralization was necessary. But to-day the whole Province is covered with railways. St. Lin, for instance, which belongs to the district of Terrebonne, has more easy communication with Montreal than with the *chef lieu*. We might say the same of Joliette, and many other districts. The question is not to abolish the decentralization of justice, but to modify and reform it. In 1857 we had seven judicial districts, Montreal, Quebec, Sherbrooke, Three Rivers, Ottawa, Kamouraska, and Gaspé. Cases were then decided by three Judges; appeals were less numerous than to-day considering the amount of population, and for the simple reason that the decision by those three Judges satisfied the public. In 1857 the whole Province

Mr. GIROUARD (Jacques Cartier).

was divided into twenty judicial districts. A Superior Court composed of about eighteen or twenty Judges was created. It was to be presided over by one Judge. Montmagny, Beauce and Chicoutimi were not provided with Judges. Since 1870 a Judge was added to the number at Montreal, making a quorum of five, and in 1871 another was added, and another in 1872, when the Superior Court Judges were increased to twenty-six. Appeals had to be granted in consequence of those decisions being rendered by one Judge only, and the Court of Review was established to consider his decisions. We have also a Court of Appeal composed of five Judges. The leader of the Opposition made a slight mistake in mentioning the jurisdiction of the stipendiary magistracy. It has been abolished, there being now, perhaps, only four such magistrates left, who serve in very remote districts. With regard to the effects of this decentralization, I think it is important to look at the figures, for I do not agree with the hon. member for Bagot (Mr. Mousseau) that figures mean nothing; on the contrary, I think they mean a great deal, and I believe in them. I shall read a few statistics from a valuable manual compiled by a very careful lawyer in Montreal, Mr. Pagnuelo, which go to show that many of these judicial districts are not now needed if they ever were needed. I shall not give those cases which go by default, because, as hon. gentlemen know, under our code these cases can be settled by the Prothonotary or the Clerk of the Court, and I shall also confine myself to Superior Court cases. In Arthabaska, in 1877, there were thirty-eight cases; in 1877, twenty-nine, in 1879, forty-eight. In Beauce, forty-eight in 1877, twenty-six in 1878, and twelve in 1879; in Beauharnois, twelve in 1877, twenty-seven in 1878, and sixteen in 1879. In Bedford, in 1877, forty-eight; in 1878, forty-seven, and in 1879, seventy. In Chicoutimi, in 1877, there were no contested cases; in 1878, one, and in 1879, fifteen.

Mr. CIMON said the report of the prothonotary for Chicoutimi had not been received and consequently the figures did not appear.

Mr. GIROUARD. Perhaps the hon. gentleman himself will give us the figures. They cannot be very large at all events, seeing there was only one case in 1878. In Gaspé, which is composed of two counties and has two Judges, there was in 1877 only one case; in 1878, one, and in 1879, five. In Bonaventure there was not a single case either in 1877, 1878, or 1879. In Iberville, in 1877, there was twenty-one cases; in 1879, twenty-four; and in 1879, thirty-four. In Joliette there were five in 1877; eight in 1878; and sixteen in 1879. In Kamouraska twenty-nine in 1877; forty-seven in 1878, and twenty-nine in 1879. In Rimouski nineteen in 1877; six in 1878, and nineteen in 1879. In Montmagny there were eleven in 1877; twenty-six in 1878, and thirty-three in 1879. In Montreal there were 952 in 1877; 890 in 1878, and 860 in 1879. The hon. leader of the Opposition said there had been a decrease in business in Montreal; this is true. This fact was the consequence of the repeal of the Insolvent Acts, and, secondly, of the increased prosperity of the country—the result of the National Policy. But this decrease consists only of collection cases which were contested only for delay, and do not in the slightest degree affect the burden of the work of the Judges. If we look at the figures for the Court of Revision we will find that it is a very important element in the judicial business of that district. In 1877 there were 166 cases; in 1878, 156, and in 1879, 149. It is quite clear from these figures that several of those Judges who reside in the country districts might be brought back to Montreal and Quebec to help their *contreres* in those cities without doing any injury to the rural districts. The consequence of having only one Judge to preside in trials has been that an enormous number of appeals have been taken. From statistics published in Mr. Pagnuelo's manual I find that the per