

with the work done in Montreal. The result, practically, of course is that the Judges outside of Montreal in almost all of the districts, are very much underworked. And there is another court, the Lessor and Lessee Court, in which the disproportion of the work done in Montreal and in the outlying districts is perhaps more marked. Now, I do not hesitate to say, that, under these circumstances, the natural tendency of the Judges is to deteriorate. The less they have to do, the less they will do. The less work you impose upon them, the slower they get; they do not add to their knowledge of law; they rather diminish than add to it. I am not speaking of the Judges of the Province of Quebec specially, for I do not pretend to any special knowledge, but I am speaking of my knowledge of what Judges generally become under similar circumstances. I say they are not better lawyers or better Judges, but worse lawyers and worse Judges for each year you keep them idle and unemployed. They rust. They do not keep themselves informed either on law or on general affairs, which is a most important part of a Judge's duty. It is most important that a Judge should be *au courant* with the course of affairs—I do not mean political affairs of course. I do not suppose they will know anything of this debate, for they will not read it, but I mean the course of business affairs, and so forth, a knowledge of which is an important part of the acquirements of a Judge. How are you to expect that of these persons, resting in a country village, occupied with little trifling matters only during the whole year round, and moving in a very narrow circle? There is also an evil experienced even under a system which is not at all so much exposed to it as the system to which I am referring. So guarded are those who have considered this point, that it is, as we know, the rule in England that the Judges in the high Courts—men occupying the highest positions in the realm—do not go to the same assize twice consecutively. They go to the same assize only at intervals; that has been the rule from time immemorial. So in Ontario the Judges are not expected to visit the same towns years after year; but there is a sort of rotation, by which the visits of the same Judges to the same towns are made only at long intervals. But in the present case, you find the Judges not only doing the whole business of a place which is small, but doing no other business, mixing with the same men, with a comparatively small Bar and a comparatively small society, with all the little gossips, cliques, intrigues and prejudices that grow up in a long series of years in such a society; and I say you place your Judges in a different position from what you ought, if you do not endeavor to separate them for a time from those associations, and give them other work in a different sphere, so that they may compare their work with the work of others, see the modes in which other Bars and other Judges conduct their business, and mix more in large matters than they are able to do in the narrow circle in which you condemn them to revolve. I say, therefore, that if you went no further than to make some provision by which your Judges in the Superior Court could be called upon, more systematically than at present, during the long leisures which they have in their own districts, to take a part in the work of the judicial business centres, you would not merely have sufficient judicial strength, but you would make these men better Judges than they can be under the system which condemns them to this isolation. Now, if there is to be no more radical change at all, if you are to limit your aspirations to this, this gives you an adequate and sufficient remedy. It not merely dispenses with the necessity of a new Judge, but I say it gives you an added judicial strength of three or four Judges, because it improves the position of your rural Judges so much that their real strength would be enhanced to that extent. Your system does not work well. There is no question about that. I will apply one test which, I think, may be accepted

Mr. BLAKE.

everywhere as a sound test of whether a judicial system works well or not. I refer to the degree of confidence which the Bar and the suitors evince in the decisions of the tribunal, of first instance, as proved by the proportion of appeals from those decisions. There is no more easy, practical, obvious test than that, and I say that the Province of Quebec, as is shown by the statistics in the little work to which I have referred, occupies a very unfortunate position in that particular,—a position not paralleled, so far as I know, by that of any other civilized country in the world. The judgments in the Superior Court in 1877 numbered 1,737. Of these there were 262 appeals to the Court of Review, and 259 to the Court of Queen's Bench, or a total of 521. In 1878, the judgments numbered 1,851, and the appeals were 237 to the Court of Review, and 227 to the Court of Queen's Bench, a total of 464. In 1879, the judgments numbered 1,955, of which 241 were appealed to the Court of Review, and 199 to the Court of Queen's Bench, or a total of 440. I am quite aware that appeals cannot be taken, in a certain class of cases, from the Court of Review and the Court of Queen's Bench; but, for general purposes, it is not necessary to go into minor details. I am merely, in a general way, showing the large proportion of appeals from judgments in the first instance. I stated, last Session, that out of 1,500 decisions, given almost entirely by single Judges in the Court of Chancery in Ontario, there were twenty-five or thirty appeals. I ask you to contrast those figures and consider what they mean. It is not possible to measure the significance of this disproportion of appeals to judgments in the first instance. Be it one-fourth, or one-fifth, or whatever it may be, it means an inconceivable amount of misery, uncertainty, expense, delay and difficulty to suitors, and the prolonged duration of that acrimony and trouble that attend litigation while it is going on. All these things we may speak of, but it is extremely difficult to measure in figures the amount of misery and distress occasioned to the people by their judiciary being in such a condition, that so large a proportion of the decisions of Judges in the first instance, are not accepted as satisfactory and final. As a general rule, I am not one who goes very much for restricting the right of appeal in particular cases. I go rather for seeing that your system of administering justice is such that the people are as a rule, satisfied with the decision of a Judge of first instance, than for preventing them, when dissatisfied, from going further. What I want this House, and particularly the hon. members from Quebec to address themselves to, is this serious question, whether there is not something wrong and vicious in a system which produces such results as to the degree of confidence in, and finality of their decisions of the courts of first instance. How much more judicial strength—and that is a minor question compared with the happiness of the people, because it is only after all a question of a few thousand dollars—yet how much more judicial strength, and therefore, how much money, would you save, if you could so arrange your courts of first instance, as that their judgments would command more confidence. Looking at the large amount of business your Court of Review does, the business of the Court of Queen's Bench, in its appellate jurisdiction being largely diminished, you will see at once that your judicial strength, instead of being insufficient, would be more than adequate to the emergency. The Quebec system of jurisprudence has no doubt very great advantages. No one can undervalue, no one ought to undervalue, who looks at the subject at all, those advantages. No one can undervalue that great monument of human wisdom and experience from which your code and system are drawn, the Roman law. And we who are somewhat without its influence, do not—I beg you, Sir, to believe, because we are not completely governed by it—at all undervalue it. On the contrary, I quite admit that you have theoretically very great advantages over us, and we in Ontario are endeavoring