

DUTIES OF THE JUDGES OF THE SUPREME COURT.

The Lieutenant Governor has recently received from the Honorable Mr. Justice Parker, a paper, of which a copy is annexed to the present Minute, and in which the, at least, temporary appointment of an additional Circuit Judge is recommended.

The Lieutenant Governor feels it to be quite unnecessary to point out to the Executive Council, the great weight which attaches to any opinions deliberately formed by Mr. Justice Parker on a subject with which he is so thoroughly conversant. The respect universally entertained in this Province—and not in this Province alone—for his abilities, learning, and character, is too thoroughly shared by the Members of the Executive Council, to permit a doubt that the Judges' remarks will receive their most serious and deliberate consideration.

Similar sentiments were even more strongly expressed by Mr. Justice Parker, in a charge recently delivered by him, to the Grand Jury at Saint John.

(Signed)

ARTHUR H. GORDON.

3rd December, 1863.

The Lieutenant Governor transmits to his Executive Council a Letter from Chief Justice Sir James Carter, containing the observations of the Judges of the Supreme Court upon the Memorandum of Mr. Justice Parker, transmitted to Council by His Excellency on the 3rd December 1863.

The Lieutenant Governor is of opinion that the recommendation of the Judges should be communicated to the Legislature.

(Signed)

ARTHUR H. GORDON.

27th February, 1864.

MEMORANDUM.

SAINT JOHN.—In 1840 or 1841 the Docket at Saint John could not be got through without an adjournment, and I prepared a Bill, which passed the Legislature, authorizing any Circuit Court to be adjourned over a Term of the Supreme Court.

Adjournments were frequently necessary after this time, but for several years, with the aid of an adjourned Court, the Docket was got through.

Prior to 1857, however, there was an arrear; but I will begin at that time.

In November 1857, I found 96 remanets and 114 new cases entered for trial. I disposed of 78, though perhaps some were only temporarily withdrawn; but after holding an adjourned Court, I left 132 remanets, 36 more than I had found.

I have not the Dockets of May and November 1859 to refer to, but I believe they were much the same as before. The November was adjourned, and I believe the May also. In November 1860, before Mr. Justice Ritchie, there were 58 remanets and 107 new causes, making together 165. In November 1861, when I sat, I found 78 remanets and 104 new causes entered, making together 182; one trial alone occupied fourteen days. In May 1862 there were entered 73 remanets and 107 new causes, making together 180.

In November 1862, there were entered 87 remanets and 84 new causes, together 171. What are called *Remanets* by no means show the whole number of causes left untried, for causes made remanets at one Circuit are often entered as new causes. From 80 to 100 may be considered an average of causes left untried, and this has now been going on over six years, and I have no reason to suppose there will be any change for the better at the ensuing Court.

In the County of Kent, where the business, civil and criminal, was generally finished in two or three days for several years, we cannot now get through it in three or four weeks. In 1861 the Chief Justice held an adjourned Court, and by sitting a long time, early and late, the docket was cleared; but in 1862, when I went there, I could not get through the business, and had to leave several remanets; and I believe this present year Judge Wilmut only got through one new cause, leaving four of the old causes untried—one cause, on which the four depended, occupying seven days, and the Jury not then agreeing, and of course all four remain to be tried at the next Circuit.

In Westmorland and King's Counties, and, I believe, Queen's, the business has much increased. By sitting thirty one days in King's County I cleared the docket; but three cases took nine, eight, and six days respectively.