

24th of April 1877, giving the deliberate conclusions of that Government in the same sense; and I refer to this despatch more particularly because the hon. the Minister of Justice seemed to be under the impression that these representations had been wholly fruitless. I have pointed out that they were not wholly fruitless, but that they were fruitful in that they produced some amelioration, and they were also fruitful in producing a consideration and a decision upon a main branch of that subject, the proper distribution of the judicial strength of the Province; although ultimately it did happen that that decision was not availed of by the Government, still there was a period, as I shall show in a moment, at which they had determined to take a better course. The Governor wrote on the 24th of April, 1877:

(Translation.)

"GOVERNMENT HOUSE,  
"QUEBEC, 24th April, 1877.

"Sir,—With reference to your despatch (460 on 283), dated 7th March last, I have the honor to represent to His Excellency the Governor General that one of the causes of the difficulties which have arisen in relation to the administration of justice in the district of Montreal, pointed out by the Minister of Justice on the 8th November last, is the defective distribution of the staff of Judges of the Superior Court.

"With a view for providing a remedy for this evil the Legislature of this Province, during its last Session, passed the Act 40th Victoria, chapter 13. By this Act the Chief Justice of the Superior Court is empowered to call upon one or more of the Judges of districts, other than those of Quebec and Montreal, temporarily to perform the duties of their office in such district. The 4th section of that Act further provides that the Judge officiating in the district of Beauharnois, should likewise officiate in the district of Terrebonne, hitherto assigned to Judges resident at Montreal.

"The carrying into effect of that enactment will have the effect, if not entirely doing away with the existing evil, at least of greatly diminishing it.

"I further consider it expedient to point out that, in accordance with the law, a Judge of the Superior Court must reside in the County of Bonaventure and another in the County of Gaspé. The removal of Judge Caron to Quebec has created a vacancy in the County of Gaspé. That vacancy should not be filled; one Judge will suffice for the administration of justice in the two counties. The Judge to be appointed in lieu of Judge Caron might be called upon to discharge the duties of his office at Montreal. The Government of Quebec are prepared to amend the law accordingly. By this proposition the number of Judges of the Superior Court would not be increased, and the inconvenience complained of at Montreal would be done away with.

"I have the honor to be, Sir,

"Your obedient servant,

"(Signed) L. LETELLIER,  
"Lieutenant-Governor.

"The Hon. Secretary of State, Ottawa."

Now, Sir, it is therefore very plain that at that time, namely on the 24th of April, 1877, the Government of Quebec was ready to recognize, and did itself propose to recognize the view that there was an improper distribution of judicial strength, and that the provincial law should be so modified, as that the Judges assigned to districts in which there was nothing to do should be made available for districts in which there was something to do, whereby, without increasing the total number of Judges, all the judicial work might be accomplished. The answer of the Government of Canada to this despatch is to be found in an approved report from myself on the 3rd of May, saying:

"I believe that this suggestion is worthy of adoption. As far as I have been able to learn, there is really hardly anything for the Judge of Bonaventure and Gaspé to do, and the Local Government of Quebec having properly taken upon itself the responsibility of proposing that the law should be altered so that one Judge should discharge the duty both of Gaspé and Bonaventure, and that the judgeship abolished at Gaspé should be transferred to Montreal. I think that the Government should do nothing which would interfere with so considerable a reform."

My successor in office, in the month of October, 1877, adverted to the same subject, and pointed out that it was important to communicate to the Government of Quebec, that this Government agreed in their view and was prepared to do all in its power to carry out that view. Well, Sir, you find thus an acknowledgment at that time on the part of both Governments, that the system was defective, that it involved a waste of judicial strength, and that, without increasing the expense or the number of the Judges, changes

might be made which would give to the people all the relief desired. I contend that the figures I have given to the House show that no additional Judge is wanted, even under the present system, in the district of Montreal, that those figures as to the business indicate this result conclusively, unless there be some other consideration contradicting these figures in a manner which it is impossible for me to anticipate in any way. But I contend that if additional help is wanted, we are not going the proper way to get it. I contend that if you do not adopt my view, that there is no necessity in the present state of legal business in the district for more help; if you determine that there is a necessity for more help, you still are bound to look a little further afield before you determine that this is the way to give that help; you are bound to look back and forward. This communication of the Government of Quebec indicates the concurrence of opinion between the two Governments on the general principle which ought to apply. I say that by a proper use of the Superior Court Judges in the rural parts, all difficulty would be removed on this score; and I say much more than that. I say that the efficiency of those Judges for the work they have to do in the rural parts and in the central parts would be very much promoted by such a use of them. To so arrange the business that those men should have a share of the central work would be the best guarantee you could have for their remaining conversant with the law and affairs generally, and doing their duty in the districts to which they are assigned more efficiently than you can hope they will do under the present circumstances. What are these circumstances? Take the respectable district—respectable in point of the number of litigations as compared with some others—of St. Hyacinthe. Within that district the terms of the Circuit Court last four weeks, and of the Superior Court four other weeks, eight weeks in all; fifty-six working days in the year comprise the extreme judicial work of the Judge in that district. The number of Superior Court contested suits in that district was, in 1877, 8; in 1878, 33, and in 1879, 34; and I need not say that it was extremely easy for the Judge to dispose of that number of suits within the period I have referred to. In the district of Saguenay, the number of contested Superior Court cases was, in 1877, 3; in 1878, none, and in 1879, 5. In Gaspé and Bonaventure the number was, in 1877, 1; in 1878, 1, and in 1879, 5. Of course, there is some other work to be done, work which requires, in many places, a local judge, but this is the most important, and I need hardly say, that if this is the extent of the important work to be done in these districts, there does not seem to be any great necessity for the men to work the whole year round. If you compare the whole work done in the Province with that done in Montreal, you will arrive at similar conclusions, indicating that if there be an over-employment or an adequate employment in Montreal, there is certainly a very much under-employment outside of Montreal. The number of contested cases in the Superior Court in the whole Province in 1877, was 1,739; in Montreal 952; and adding, as the book from which I make these extracts (Mr. Pagnuelo's book) proposes to do, the cases in the Court of Review, and multiplying them by three, the number of Judges in those Courts, we find a total number of cases in the whole Province in 1877, of 2,516, and in Montreal of 1,450; in 1878, the number in the whole Province was 2,544, and in Montreal, 1,353; and in 1879, the number in the whole Province was 2,678, and in Montreal, 1,307; so that, speaking in round numbers, Montreal takes more than half of the whole of that business. The number of contested cases adjudged in seventeen rural districts, with fifteen or sixteen Judges, was, in 1877, 404, but in Montreal alone, with but six Judges, 1,450; in 1878, in the rural districts 382, but in Montreal alone 1,358; and in 1879, in the rural districts 504, but in Montreal alone, 1,807. So that it is perfectly clear that the work done outside, even were the staff equal, would bear no comparison