

seemed to have accumulated. And I am informed by a learned Judge, that these twenty-seven cases, of which a considerable number were actually disposed of during the December term, would have been altogether disposed of if it had not been that my friends and colleagues of the Bar of Quebec, were, as they sometimes are in other Provinces than Quebec, not quite ready to go on; and so a few of the cases remain undisposed of. That was the condition in December of the inscriptions in review—that the work was up to time, and that there were really no arrears; that, on the contrary, the arrears had been worked off and there was nothing to complain of. Now, Sir, I wish to refer to the opinions of authorities which are, in my view, of very great consequence on this subject. My hon. friend the Minister of Justice has adverted to the correspondence that took place during the time when I held his office on the subject of the judicial staff of Quebec, and as that correspondence has been brought down, I have to trouble the House with a reference to it. The first paper in that correspondence is a representation which was made to His Excellency by the section of the Bar of the district of Montreal through the medium of the Bâtonnier, Mr. Kerr, on the 4th November, 1876. I call the attention of hon. gentlemen to the date of this representation, because I have pointed out what was the state of business in that and the following years. I have given you a comparative statement of the amount of business doing in the district of Montreal, and I have shown you that the business which was before the Court at the time these representations were made was very much larger than the business now before the Court. Now, Sir, this representation says:

"That the judicial affairs of the district of Montreal require the unceasing labor of the six Judges appointed to administer justice therein."

There is no allegation that they want more than that number of men to do the very large amount of work that was to be done at the time. Then we have this suggestion:

"That none of those Judges should be called upon to fulfil duties out of the city of Montreal, and that any of the honorable Judges who is, or becomes unable to perform his share of duties for any cause whatever, should be temporarily or permanently replaced."

The learned Judge, to whom the next resolution refers, has since died, and I am sure no one will desire that I should read his name. There was a difficulty created by a mistaken judgment on the part of the learned Judge, of the duties he was to perform. Now, the importance of this representation may be judged by the character of those who promoted it. I find that it was promoted, in the first instance, by a requisition, calling a meeting of the Bar of the section of Montreal, and on it I find the names of a great many gentlemen; I find the names of all of those who are at all known to fame—108 members of the Bar altogether. I dare say every member of the Bar who has a seat in this House, from the district of Montreal will find his name upon it. The adjourned meeting at which the resolutions were adopted, was also attended very numerous by fifty-eight members of the Bar, and I find there are also many eminent names among those who attended that meeting. The resolutions passed at that meeting were the basis of Mr. Kerr's representation. They declare: "That the judicial affairs of this district require the unceasing labor of the six Judges appointed for it," and they call upon the Government to arrange, if possible, that none of these six shall be called upon to perform outside duty. The memorandum to Council upon this memorial signed by me, said:

"The importance of the interests involved and the weight to be attached to the representations made are very great. The undersigned has been for some time aware, from the ordinary sources of information, that difficulties of a grave character were attending the administration of justice in the district of Montreal.

"These difficulties appeared to him to proceed mainly from the unsatisfactory distribution of the available judicial strength of the Province

Mr. BLAKE.

of Quebec, but in part also from the views of Mr. Justice Mondelet as to his judicial duty referred to in the petition.

"The undersigned is fully sensible of the limited extent of the powers of the Canadian Government in this matter. That Government has not the wish any more than it has the power to interfere with the constitutional rights and responsibilities of the local authorities; and the undersigned feels sure that the intention of any suggestions which may be made will not be misunderstood.

"To the Local Government under the Union Act is committed the constitution, maintenance and organization of the courts of justice, and the administration of justice; but Canada (which is called on to determine whether effect should be given to any local law for the creation of additional judgeships, which fixes and provides the salaries of the Judges, and makes their appointments, and whose laws are administered by the Provincial Courts) has so great an interest in the efficiency of the system that it may not be improper, in view of the representations of the petition, to call the attention of the Local Government to the pressing difficulties which exist, and to some suggestions for their alleviation.

"To entirely remove these difficulties, and to place the judicial system in the highest state of efficiency may possibly require extensive and radical changes which the undersigned does not presume to suggest. He limits himself to the suggestion of some simple amendments which may, pending the consideration of a larger scheme of reform, lessen at any rate, though they do not altogether remedy, the more glaring evils.

"The undersigned has already referred to the unsatisfactory distribution of judicial strength. The business done in several districts, to each of which separately is assigned a Judge of the Superior Court, appears to be very small and quite insufficient to occupy any considerable proportion of the time of the Judge.

"The cost of the administration of justice in these districts is thus unnecessarily large. At the same time, the business in the other parts, at any rate in the district of Montreal, is very heavy, and apparently over-taxes the Judges specially assigned to that district. Thus, while the undersigned has no reason to believe that the whole judicial strength of the Province would, if properly applied, be at all inadequate to the whole judicial work of the Province, he is led to the conclusion that the present distribution prevents the satisfactory accomplishment of the work devolving on the Judges."

Then I proceeded to make certain minor suggestions to which I have already referred, proposing that more power should be given to the Chief Justice and Judges of the Superior Court to utilize the available strength where it was required, and proposing also that attention should be called to the view that none of the Judges of Montreal should be asked to do work outside their district. Not long after a paper was presented to myself, on the 20th of February, 1877, by five Judges of the Superior Court, residing in and performing their duties in the city of Montreal. That statement was this:

"We, the undersigned justices of the Superior Court for Lower Canada, sitting in the district of Montreal, have the honor to represent that the exigencies of the administration of justice in this district urgently require that the Judges in charge of this district should have additional aid in the performance of their duties, and that such aid would be materially supplied by the appointment of a special Judge in Insolvency for the district of Montreal."

That was signed by all the Judges of the Superior Court except Judge Rainville, who was at that time, unfortunately, too ill to discharge any duty. Upon that I pointed out, as is shown by the report in the papers of the 27th of February, 1877, that ameliorative provisions had been already passed by the Legislature of Quebec in the sense suggested, and that the circumstance that Judge Rainville was ill, being temporary in its character, did not justify a permanent change in the judicial system, but rather pointed to temporary arrangements to meet a temporary disability. I pointed out, further, that neither the petition of the Bar to which I have referred, nor under the circumstances of Judge Rainville's illness, the representations of the Judges, showed that more than six Judges were required for the discharge of the judicial duties of the district. I also pointed out that, if that were established, there remained the question whether the proper distribution of the whole judicial strength of the Province would not remedy the evil. I added:

"If I am not misinformed, the Attorney General of Quebec stated, in his place in the House, his opinion that the whole judicial strength of the Province would, if properly distributed, be adequate to discharge the judicial duties of the Province."

Well, Sir, this subject engaged the attention of the Government of Quebec, then led, I think, by Mr. DeBoucherville, and a despatch was sent by the Lieutenant Governor, of the