

Supreme Court, if the volume of business is too great for the present staff. If that were done it would give great satisfaction. I am confining my remarks to the province of Quebec because I am not familiar with the constitution of the courts in other provinces. Taking that province let me say that there is not a case which goes to the Supreme Court which has not originated from the Superior Court. If my learned friend (Mr. Doherty) is going to take a judge from the Court of King's Bench, the chances are that the case has originated in the Superior Court, and from there has gone to the Court of King's Bench, and the appeal to the Supreme Court is from the Court of King's Bench. The possible exception may be a judge taken from the Circuit Court in Montreal, where the judges have Circuit Court duties exclusively and no other jurisdiction. In my opinion, what is proposed is not a proper way to deal with litigation; the judges of the highest court in the land should be kept absolutely apart from any influence or contact whatsoever with any matter which might weigh with them when they render their decision. In taking this position, however, I want the committee clearly to understand that I do not entertain the slightest suspicion about the character of any of the judges who may be called upon to decide appeals coming before the Supreme Court. My hon. friend from Calgary (Mr. Tweedie) stated a moment ago that he would like to see an outsider appointed by the Governor General in Council. Speaking for myself, I do not concur in that.

Mr. TWEEDIE: The hon. gentleman did not correctly gather the purport of my remarks.

Mr. BUREAU: I thought my hon. friend wanted an outside barrister appointed by the Governor in Council to act as Supreme Court judge ad hoc.

Mr. TWEEDIE: I said that the Governor in Council should take the responsibility of filling vacancies temporarily, the same as they take the responsibility of making permanent appointments to the Bench, I do not care whether it be a barrister, or a judge of any Superior Court or Exchequer Court.

Mr. BUREAU: With respect to the appointment of an outsider, the Minister of Justice has answered that suggestion. If it is proposed to appoint a judge of the Superior Court for the Supreme Court my position is the same whether he be appointed by the Governor in Council, by the Super-

ior Court, or by the Chief Justice of the Court from which he is drawn. My idea is that Courts of Appeal should not be connected in any way, whether temporarily or otherwise, with any justice or any court of inferior jurisdiction upon whose judgment they have to pass. That is one of the defects I find in our Court of Review, and it is one of the pleas I have been making for a long time that we should have a special Court of Review, composed of three judges. Under the circumstances it will be possible to secure great improvement in the judicial procedure by wise thought and careful deliberation over this matter. Our tribunals ought to be organized in such a manner as to render justice to all litigants in this country. At the present time there may be circumstances which justify the Government in utilizing the knowledge and experience of certain judges in other directions, but such provision would only be temporary, whereas what is proposed by the present legislation is of a permanent character. Now, if it is proposed to enact permanent legislation because of prevailing extraordinary or abnormal conditions, we ought to think twice before we pass such a law. Mr. Justice Duff will conclude the consideration of these war-time appeals some day, and then he will revert to his normal position in the Supreme Court and stay there. Mr. Justice Brodeur will soon recover his health, I hope, and will be able to sit all the time, as heretofore, in the Supreme Court. If the Minister of Justice considers, from the reports made to him, or as a result of his own observations, that the business of the Supreme Court has increased to such an extent as to warrant it, why not do as is done in other courts where the business becomes too great for the judges who have to administer it—why not appoint another judge. That suggestion, I submit, is worthy of the consideration of the committee. I am perfectly indifferent in the matter because I shall not suffer very much whether my suggestion is carried out or not, but I think the principle proposed to be adopted is not—I will not say vicious because that implies a meaning contrary to what I have in mind—is not a correct one, to have a man pass upon the judgment of any of his colleagues who have been acting or sitting in a particular court.

Mr. J. J. DENIS (Joliette): I agree with the hon. member for Three Rivers in the opinion that it is a great mistake to have judges stepping from one jurisdiction to another. The hon. gentleman (Mr. Bureau)