Before I say anything more, could address yourself to that point, to illustrate how you feel that it is for the better administration of justice?

Hon. Mr. FULTON: I think the reasons could be summarized as follows: In taking cases to the Exchequer Court you will be able to build up a body of jurists who become skilled in this field of assessing issues which are largely economic. Secondly, you will get a more expeditious settlement of the issue involved, in that you go directly to the Exchequer Court, and you have only one appeal from that court to the Supreme Court of Canada. Whereas, if you go first to the trial court, you have three separate hearings: the trial court, the court of appeal, and the Supreme Court of Canada.

I recognize that some question may well arise from the fact that a prosecution leading to conviction can only be taken to the Exchequer Court with the consent of the parties.

That is quite true, but when we were considering the matter in the course of preparing the bill, we felt the amendment would still come within section 101, and would result in better administration of justice, because, although it is true the parties have to consent, we do anticipate there will be cases in which the parties consent to go to the Exchequer Court, and that will result, for the reasons mentioned, in better administration of justice.

The CHAIRMAN: But we have in that court judges—and I am not being critical of the court—who may not be experienced in the administration of criminal law. Their work has been confined to cases between the subject and the Crown, relating to patents, trademarks, arbitrations and so on.

Senator BRUNT: But they are able judges and intelligent men.

Hon. Mr. FULTON: They have all practised as lawyers before they were appointed as judges, and many have had experience, I think one may assume, with respect to the criminal courts. In addition, I would say, in dealing with the kind of case that comes before them—patents, copyrights, trademarks, income tax, expropriations—they are dealing in many instances with, I do not say similar issues, but issues of a nature which generically arise from the same type of problems as some of those involving combinations.

The CHAIRMAN: There are several answers to that. First of all, I am not prepared to accept the statement there has been poor administration in the superior courts of criminal jurisdiction.

Hon. Mr. FULTON: I am not suggesting that.

The CHAIRMAN: Secondly, if it is a matter of selecting certain judges who have handled criminal prosecutions in the combines field, we have such judges in the superior criminal courts in Ontario. For instance, when you set up an additional court in Ontario, such as the Bankruptcy Court, you did not give additional jurisdiction to the Exchequer Court.

What was done was to create an additional court called a Bankruptcy Court and designate a judge of the Supreme Court of Ontario as the bankruptcy judge. When an Admiralty Court was set up you did not put the admiralty jurisdiction in the Exchequer Court but you created one of the judges of the Supreme Court as the admiralty judge.

Hon. Mr. FULTON: We are not saying for a moment there has been poor administration in the trial courts in the provinces but we do say that the trial courts in the provinces have very heavy lists and that combine cases are by their very nature long, complicated and involved. Sometimes there is difficulty in the first place in getting a case on the list—not always but sometimes—and when you do get it on you are taking a judge, if I may use the vernacular, out of circulation for what may be not just weeks but months.

The CHAIRMAN: The same thing would happen in the Exchequer Court. You have fewer judges with such a heavy program of work they have difficulty in keeping up with it.