

Quebec province is to have three new Superior Court judges under legislation introduced in the Commons this week, and while the addition is laudable, the question arises immediately as to whether or not this is enough.

The need for more judges is obvious, and it remains for the province to get together with Ottawa to fill the need. Justice Minister Favreau noted in presenting his bill that Ontario, Alberta and British Columbia have passed enabling legislation to receive their new judges. Quebec, we note, has only advised Ottawa that it intends to pass such legislation. It will be remembered that under the constitution the provinces have the authority to set up Superior Courts, but the federal government appoints the judges and pays their salaries.

Mr. Favreau said he intends to write to provincial attorneys general to ask them to give more notice of their plans to increase the size of their judiciary so that the necessary bills can be introduced earlier in the parliamentary session.

Truly, Quebecers, and Montrealers in particular, have suffered as a result of the long delays in securing justice caused by the backlog of cases before the courts. A new courthouse is finally being built, after generations of pleading. It is to be hoped that Ottawa and Quebec will get together with far greater dispatch to see to it that there are sufficient judges to speed the work of the court.

What I am about to read now is surprising.

The annual report presented by the chief clerk of Superior Court last January showed that Montreal, the largest judicial district in Canada, had 17,000 cases before it still to be heard. While waiting for the new court house to be built, Associate Chief Justice George S. Challies said slow but steady progress is being made in cutting this backlog. The delay between inscription of summary cases, and their hearing, had been cut from about a year to half that and a further cut was expected. A much longer delay was normal for the 8,000 or so major cases inscribed on the rolls each year.

I have no right to practise in the Province of Quebec and I am not an authority on the administration of justice in that province. However, I understand that the magistrates, who are also called judges, are appointed by the province and they have jurisdiction to hear civil cases over and above criminal cases, involving amounts not exceeding \$200. This

means that every civil claim involving an amount in excess of that sum has to be filed, heard and disposed of in the Superior Courts. Can you imagine the costs of the delay?

Hon. Mr. Aseltine: Have they no county court or district court?

Hon. Mr. Choquette: No. I am told the Quebec Civil Code is being revised and that this situation might be taken care of, but their problem now is that the provincial judges are paid and appointed by the provincial courts.

In Ontario we have our county court judges, and this is also the situation in many other provinces. These judges are empowered to hear cases involving amounts up to but not exceeding \$2,000, and can hear cases involving amounts up to \$15,000 or \$20,000 on consent of both parties. This is a situation, honourable senators, which comes to our attention every year and, the time has arrived when we must face the fact that this is not a solution to the problem.

Let me conclude this article by reading the last paragraph:

While noting the need for space for court rooms, Mr. Justice Challies recalled that of the 36 Superior Court judges in the district, only about 20 are available at any one time to hear cases, "and this is not really enough." To this we can only most heartily agree.

For many years as a practising lawyer in Ottawa I have been considered as a voice crying in the wilderness. I have advocated for many years what I said here last year, and I was told by my good friend and classmate, Senator Walker, that it was a matter for the Attorney General of Ontario.

Some years ago in the City of Hull my good friend Judge Ste. Marie was appointed as a resident judge for the judicial District of Hull. Since then they have appointed a second judge, who is also a resident judge. These two judges are available at all times and can deal with cases. They do not have to wait until a judge residing in Quebec City comes there, as is the case in our Province of Ontario where we have to wait until a judge resident in Toronto comes to Ottawa. As I have said, in the City of Ottawa at the present time there are 350 cases that have been on the list for two years.

Hon. Mr. Roebuck: In Ottawa?

Hon. Mr. Choquette: In Ottawa there are 350 cases on the list that have not yet been heard.

We have three Assizes: September, January, and April, and they take care of the criminal cases. The civil cases, as we know,