

three judges, when they sit in Montreal, are taken from among the judges of the Superior Court of the district of Montreal. Every time there is an appeal before them they have to pass upon the judgment of one of their confreres sitting on the same tribunal. If the appeal is from the judgment of the Superior Court of the district of Quebec, there are three judges chosen from the Superior Court of that district and these same judges for the time being sit as judges of the Appeal Court and have to pass upon the judgment of their confreres. I do not mention this because I have any suspicion about the honesty or righteousness of the judgments of those gentlemen sitting in review but there is a feeling about it among the public. I have often heard it said among business men that they could not understand how it was that these judges should be sitting in the same court. It is only natural that they should consult with one another when a case comes up. My honourable friend the Minister of Justice knows better than any one else, because of his long experience while practising at the bar and while occupying a position on the bench, that judges consult with each other at the court house when an intricate or a new question comes before the court for decision. That being the case, the first objection I take to this Bill is because of the provision it makes with regard to a judge of the Exchequer Court. The Exchequer Court is a court of exclusive federal jurisdiction. It is a Federal tribunal and when you appeal from any decision of the Exchequer Court you go before the Supreme Court and the first man you want to appoint to the Supreme Court is the man whose judgments are subject to revision by that court.

Mr. DOHERTY: In that case the judge of the Exchequer Court would be unable to sit. If it is necessary we will put in a proper provision. He is not to be applied to if he is absent or unable to sit. If there is any ambiguity about that we will correct anything that would make it possible to ask him to sit in appeal on his own judgment.

Mr. BUREAU: I am sorry if my hon. friend has ever suspected that to be my view. I do not understand the Bill in that way and I do not believe that you would ask the Exchequer Court judge to sit on the bench to pass on his own judgments. It is not the fact that he would expect to sit on his own judgments to which I take exception because I know he would not. He would not be a judge of the Exchequer

[Mr. Bureau.]

Court if he went so far, or if he were so wanting in self respect, to sit and pass upon his own judgments. But there is the idea of a judge of the only federal court in Canada with original jurisdiction sitting as a judge of an appeal court which has to pass upon his own judgments. I do not say that he will sit on a case upon which he has already passed but the fact of his being part of the tribunal is not absolutely right. There is a shadow of doubt about it. I have the idea but I cannot express it. Among the judges of a court, as I think my brother lawyers well know, there is a certain solidarity.

Mr. McMASTER: Camaraderie.

Mr. BUREAU: More than camaraderie because when they meet at the court house they consult upon any important or intricate question. Judge So-and-so has given a certain decision and a judge, of course, is anxious to justify his judgments and to have them confirmed by the higher court; therefore judges consult their confreres. There is a close relationship between the judges. I do not think that the judge of the Exchequer court ought to sit as a judge of the Supreme court.

Mr. DOHERTY: Would the suggestion of the hon. gentleman be that it would be better to eliminate the judge of the Exchequer court?

Mr. BUREAU: Certainly not; I do not mean to abolish the Exchequer court.

Mr. DOHERTY: But to eliminate him as a judge to be called upon to act as a judge ad hoc in the Supreme court.

Mr. BUREAU: What I mean is this: instead of appointing a judge of the Supreme Court to investigate all the scandals of the late Government let that judge remain in his own court and attend to the discharge of the duties which are imposed upon him by statute. If a judge falls ill, or the increase in the business of the country demands it, why not increase the number of judges, the same as has been done in the district where I reside? There owing to the industrial growth, the litigation has been increasing, and the existing judges could not overtake the work, and therefore other judges were drawn from Montreal, Arthabaska, and other districts. If litigation is increasing rapidly the first remedy to apply is to return those judges, who are now doing outside work, to the bench of their own court and make them stay there. The second remedy I would suggest is to appoint another judge of the