

lish returns showing an increase in the country's wealth without any explanation of how that wealth was distributed.

The schoolteacher and not the judge or magistrate or policeman is the best protector of life and property today, as in the days of Lord Macaulay, 100 years ago.

The committee on price spreads appointed by the former prime minister of this country, the Right Hon. R. B. Bennett, did a great deal of good. I hope that the government will take this matter up and give consideration to all the matters that were included before as well as those to which I have referred to tonight.

Mr. JOHN T. HACKETT (Stanstead): Mr. Speaker, I shall not discuss the general proposition of the motion that is before the house. I am prompted to say a few words by the utterance of the hon. member for Winnipeg North (Mr. Stewart). He has deemed it wise to criticize, in definite and pointed language, the conduct of the two commissioners who presided over the investigation into what is commonly called the espionage case. I think it was the great Napoleon who said that the best argument was reiteration. On no fewer than three previous occasions I have referred to the frequent and unfortunate appointment of members of the bench to tasks which lay beyond their judicial function. We declare frequently that we believe in the rule of law. The rule of law means to most of us a system of government which through its different branches makes laws, administers laws and interprets and applies laws to individual cases. Laws are made in parliament; they are administered by the executive, and they are interpreted and made applicable to cases by the judiciary. Happy indeed is the country which has a judiciary in which the people have complete and abiding confidence. That has been the lot of the Canadian people. Never yet within my ken has the judiciary, when acting within its proper sphere, been subjected to criticism in parliament or beyond. But in the last two or three years we have heard members of the judiciary criticized, and criticized violently, for their conduct and for their statements when fulfilling duties allotted and assumed beyond their own proper sphere of judicial activity.

My whole life, Mr. Speaker, has been spent before the courts. I believe in the courts. I believe in the integrity of the courts. I believe in the integrity of our judges, and I am made sad by the practice which exposes that great institution, the judiciary, to criticism such as we have heard levelled at it tonight. Some will say that criticism is unwarranted. I am not going into the issue as to whether or not it is warranted; but I submit that the conduct

[Mr. Church.]

of the government, in appointing members of the courts to duties beyond their judicial office which expose them to criticism such as we have heard tonight, is unfortunate if not reprehensible. I am not prone to be unduly critical of those, who, in the immediate aftermath of the war appointed these gentlemen to the duties in the execution of which they have been so bitterly criticized. I am not prone to criticize the gentlemen themselves who answered the summons of the government, but I do say we have witnessed the fact that they have been criticized. We know that no judge can suffer that kind of criticism and not have it reflect upon the court of which he forms a part. I say to the government—and I must be fair, for there were grounds to say as much to governments which preceded it—stop these abominable practices of using judges to solve political or partisan problems. The practice is growing; every time that the government has a political problem that is urgent; every time that it encounters a political situation that is difficult of solution, it refers it to a commission and names a judge to preside over the commission, so that the problem may be stayed or solved largely by the high repute of the arbiter. It is not right that men who have been appointed to judicial office, men upon whose integrity and upon whose reputation for integrity depend the fortune, the good name and the liberty of the citizen, should undertake tasks which cause them to be called partisans and tools of government.

I am going to ask the government, not for the first time, not for the second time and not for the third time, to desist from the pernicious practice of naming men who hold high judicial office to preside over commissions and committees for the solution of problems that are highly tinged with politics. And should perchance my plea fall upon deaf ears, I ask the judiciary, men whom we respect and rely upon, to have the courage and dignity to refuse when they are asked to enter upon a field which exposes them and their high office to the suspicion and to the criticism, the like of which we have heard this evening.

Every word that was uttered tonight in criticism of these gentlemen I felt almost as a personal affront, for I knew it was a wound in the side of the great institution in the service of which I have spent my life. Never has there been a time, Mr. Speaker, when as a people we depended more upon the courage upon the integrity, upon the wisdom and upon the high repute of the judiciary than today when all about us shakes and trembles. A law-abiding people, we depend for the honest interpretation of our laws upon a judiciary