

Judges Act

prevail if the interests of litigants and the convenience of members of the bar are to be taken care of properly. The situation is unhealthy for the administration of justice and embarrassing to the judges themselves. Litigants are being unreasonably delayed.

The population of the province has increased rapidly in the last 10 years and this increase has been reflected in the work of the court, not only in greater Vancouver but also in Victoria, New Westminster, Nanaimo, Prince George, Vernon, Kelowna and Penticton. The government has recognized the growth of population in centres such as these by the construction of new court houses at several of the points mentioned and at other places, such as Courtenay and Chilliwack.

The work in Vancouver has increased on both the civil and criminal sides. We have, as you know, a continuous assize in Vancouver.

Now, my hon. friend from Yorkton could contrast that with his own city where they would not dream of having a continuous assize to dispose of cases. They have an assize a few times a year to dispose of the cases, then there is a long gap before the next assize.

I continue to quote from the report:

We have, as you know, a continuous assize in Vancouver, and the criminal trial list is very much congested. Seemingly, in both civil and criminal work, there are many more long trials than a few years ago.

That is another indication that the statistics of a few years ago and the statistics now would not mean very much by comparison. It is the length of time that the members of the court have to spend which is the real criterion as to whether or not additional judges need to be appointed. I again quote:

To illustrate, in the last year we have had one civil case of more than eight weeks' duration, another of four and a third of 18 days. We have had regrettably more than the usual number of murders and every murder trial lasts for several days at least. Cases dealing with narcotics also appear to be on the increase. In Victoria, which in days gone by had little litigation, the volume had markedly increased.

Nanaimo, which formerly took only two or three days a month at most now has to be judicially serviced much more frequently. The assizes and the civil work there require a judge on an average of seven to 10 days a month.

New Westminster requires the services of a judge almost every day except Fridays. The last criminal assize extended for almost eight weeks and the current criminal spring assize is heavy, and will probably continue for some weeks more.

The work in the Yale judicial district can no longer be handled by the attendance of a judge for one or two weeks twice a year. We still have semi-annual assizes at nine points in the interior of the province, but, in addition to that, it is now necessary to allocate a judge to do civil work in the interior at least two or three times each year, which takes a judge away from Vancouver from two to four weeks on each occasion. It is impossible to keep abreast of the work in Vancouver with two or three judges away on circuit a great deal of the time.

Then, he goes on:

The number of applications in chambers is increasing, and, as many applications are lengthy, the chamber judge is not available for trial work.

Divorce actions in Vancouver and New Westminster average over 30 a week.

The trial of custody of children cases (inclusive of the perusal of reports from the superintendent of child welfare), reports to the court of appeal and reports to the remission branch of the justice department take many hours of judicial time.

The pressure of work from day to day results frequently in oral judgments with which judges themselves are not satisfied and the accumulation of reserved judgments which judges find it impossible to deal with promptly, to the dissatisfaction of litigants and the profession.

Therefore, Mr. Chairman, to my satisfaction at least the case which the chief justice has put up in this memorandum from which I have quoted is a pretty unanswerable one.

Mr. Castleden: I should like to know whether a similar situation might not be true of cities like Toronto, Hamilton, Sarnia, and Edmonton, all of which are growing also? Can the minister assure the committee there has not been a similar increase? Perhaps the supreme court judges may be overloaded in those cities. That is the point I was making.

Mr. Garson: There is one point I am wondering whether my hon. friend really appreciates; and it is this. Before these matters ever get to the floor of this house at all it is necessary for the chief justice of the provincial court to convince the provincial attorney general and the provincial government that there is a state of congestion of the cases in his court. The provincial legislature has to amend its provincial laws before there is any occasion for our introducing any legislation in this chamber. Therefore I would assume that if, in relation to Hamilton and Toronto and the other places to which my hon. friend has referred the members of the Ontario legislature have not as yet seen fit to create more vacancies, they must feel they are being well served at the present time.

Mr. Diefenbaker: As a matter of fact in the province of Saskatchewan I am of those who believe that there should be an increase of two judges on the Queen's Bench, but strangely enough the government of Saskatchewan, with apparently ulterior matters in view, brought in legislation within the last two years to reduce the number of Queen's bench judges there by one. If a vacancy takes place or one of the judges dies, then the number of Queen's Bench judges will be reduced by one because of the fact that the government of Saskatchewan thought that if one of the present judges were to retire or die, a certain person, now a member of this