

they seem like flowers and weeds, to seed themselves annually, as if the process were part of the law of nature. Let me review briefly the history of this legislation since the last revision of the statutes in 1952.

By chapter 58 of the statutes of 1953-54, a Justice of Appeal was added to the Court of Appeal for British Columbia, and one Justice to the Supreme Court of Alberta.

By chapter 48 of 1955, a further Justice of Appeal was added to the Court of Appeal of British Columbia, and two judges to the Supreme Court of that province. By the same statute one county court judge was added in British Columbia.

By chapter 8 of 1956, four puisne judges were added to the Superior Court of Quebec, and four judges to the Supreme Court of British Columbia.

By chapter 30 of 1957, one judge was added to the Supreme Court of Nova Scotia, and one judge to the county and district courts of Ontario.

By chapter 33 of 1958, two judges were added to the High Court of Ontario, and six more judges were added to the county and district courts of Ontario. Also, one judge was added to the appeal division of the Supreme Court of New Brunswick.

By chapter 28 of 1959, six puisne judges were added to the Superior Court of Quebec, and two to the Supreme Court of British Columbia. In addition, three justices were added to the Supreme Court of Alberta.

By chapter 46 of 1960, four additional puisne judges were added to the Superior Court of Quebec.

By chapter 38 of 1960-61, a judge was added to the Exchequer Court of Canada, two more puisne judges to the Superior Court of Quebec, two judges to the Court of Appeal of British Columbia, and two to the county and district courts of Ontario. In addition, one further judge was added to the district courts of Alberta.

By chapter 22 of 1962, two further judges were added to the High Court of Ontario, and seven to the county and district courts of that province.

Finally, honourable senators are aware that by chapter 14 of the statutes of this year, provision was made for an additional judge of the Exchequer Court. The bill before us would add three puisne judges to the Superior Court of Quebec, increasing the number from 44 in 1952—and this is amazing—

**Hon. Mr. Connolly (Ottawa West):** Five, not three.

**Hon. Mr. Choquette:** —from 44 in 1952, to 68.

**Hon. Mr. Connolly (Ottawa West):** No, to 70.

**Hon. Mr. Choquette:** Yes. I did not look at the amendment. It would add one Justice of Appeal to the Supreme Court of Alberta, and two Ontario county court judges, increasing that number from 63 in 1952 to 81. It would also add one county court judge in British Columbia.

My point is that the piecemeal, spasmodic and *ex post facto* approach hitherto adopted with respect to the judiciary has not had the desired effect, namely, to overcome the present backlog of cases unheard and judgments undelivered. This situation causes uncertainty at the best and hardship at the worst. I hesitate to repeat the familiar cliché, attributed to Gladstone, that justice delayed is justice denied, or that the appearance of justice is as important as justice itself, or, as Chateaubriand once said, "Justice is the bread of the nation: it is always hungry for it." It seems to me that what is needed is a new and positive approach, with consultation among the Attorney General of Canada and the attorneys-general of the provinces, whereby the problem may be met with foresight and imagination. There must be a greater anticipation of future requirements.

Honourable senators, I have spoken on nearly every occasion when a similar bill has been introduced. I have been practising law in the City of Ottawa for 32 years, and I say to you that as far as the Province of Ontario is concerned you could appoint two or five additional judges each year and it would not solve the problem which exists at the present time. Right here in Ottawa we have approximately 350 cases that have been on the list for a period of two years. The litigants today are not satisfied that their cases be heard two or three years after they first consult a lawyer. As a matter of fact, it has become difficult for a lawyer today to convince his client that his case, which was handed to him two years previously, has not yet been heard, and litigants are verifying the story told to them by their own lawyer either by telephoning to or communicating with the registrar to find out if the lawyer is telling the truth. As I have said, you could appoint one judge or two or five every year, but this would not take care of the problem.

I think we should be grateful to the newspapers and to newspapermen throughout Canada, because sometimes these people go into the legal problems a little more thoroughly than the Canadian Bar Association and a little more thoroughly than lawyers.

This bill was first introduced in July, and the Montreal *Star* of July 15, 1964 published an article about it. It is headed "Three New Judges," and reads: