

particular province could best be spared from the judicial work of that province. If you put that power in the hands of the Governor in Council, acting, as it would seem to me he ought to act, if he wanted to act wisely, he would consult, I think, with the Chief Justice of the Court from which he was going to take a judge away; that is one consideration. There is another

consideration which I submit is 4 p.m. not without importance, and it is this: I think it is undesirable to create a situation where we would have a particular class of appointments—appointments, it is true, not carrying with them any financial remuneration, but still implying the very high honour of being asked to sit in the Supreme Court of Canada—which would be in the hands of the Government of the day to make, and which the Government of the day would be constrained to make as among the judges. Personally I think that would create a situation where it might be suggested that the judges were liable to have ambitions for something which was in the gift of the Government. Anything tending to create that position is undesirable from the point of view of maintaining the principle which I think is of great importance, that the judicial officer should be acting in a position of absolute independence and without anything before his eyes as an object of ambition which is in the gift of the Government of the day. The question whether what is desired to be done had better be done by direct appointment of the Governor in Council or by some such method as we here propose, whereby we leave the designation of the individual who is temporarily to act to the Chief Justices, had very careful consideration before the Bill was introduced. I think that the proposed amendment improves what was originally contemplated, but as regards the choice between the Bill as now proposed to be amended, and a system by which the Governor in Council would make the appointments from among the judges, I must confess that after the best consideration I have been able to give to it, though I would of course defer to the opinion of the committee, it seems to me the balance of advantage is in favour of leaving the selection of the individual to the judicial officer in the very best position to determine who, among the judges, can best be spared. I think that there is a further objection to the appointment of these men coming from the Governor General in Council. If the Governor General in Council designates a man to act as judge *ad hoc*, in the

Supreme Court, and the circumstances are such that he remains in that position for a term or two, and a vacancy then occurs, I think, as human nature is constituted, he finds himself face to face with a gentleman who will think that in some way he has a claim, or a particular right, to be appointed to the vacancy that occurs. That is an undesirable state of affairs. In so far as it is humanly possible, when the Government is called upon to appoint a judge, and particularly a judge of the highest court in the country, it ought to be able to approach the question of who ought to be appointed as free as possible from any claims to preference upon the part of anybody. I have tried to put before the committee the reasons which, as the result of careful consideration, led us to the conclusion that it would be better to have the matter dealt with in this way through the intervention of the existing judges than by the direct action of the Governor General in Council. There are possible objections which may be suggested to the method originally proposed. I have tried to make clear to the committee—I am sorry if I did not make myself heard by everybody—the reason which led us to think that this modification would be an improvement on what was originally proposed.

Mr. RICHARDSON: I would like to know if the question of remuneration is dealt with in the Bill and if there is any change in the remuneration which a provincial judge will receive when he is appointed?

Mr. DOHERTY. No, he will receive no additional salary. All he will receive will be his travelling expenses and living allowance just as he would if he went from one city to another to perform the duties of his own court. There is no remuneration attached.

Mr. BUREAU: There are five or six amendments before the Chair which means that the whole section is now being discussed as it was first put before the House. I understand the first part of the remarks of my hon. friend the Minister of Justice, but not the last part. I suppose they were a repetition of the remarks made to my hon. friend from Calgary (Mr. Tweedie). The Minister of Justice knows very well that in the province of Quebec certain action has been taken to remedy our judicial system and I have been one of the prominent kickers as to the constitution of our Court of Review. My objection is based upon the fact that our Court of Review is composed of three judges and that these