

Judges Act

appointed on the basis of reward or favour. As Thomas Jefferson said:

Judges should always be men of learning... they should not be dependent upon any man or body of men.

Since the quality of our justice will be measured by the quality of our judges, there will be no other aspect of the responsibility of this department which will involve more of my time and my conscience than this.

Let me draw to the attention of hon. members the fact that the English high courts of justice have for centuries been the centre of English justice. Those of us who are dedicated to the law cherish the invaluable traditions and enlightened jurisprudence that it has spawned. I see on the other side a number of learned counsel, some of whom I have pleaded against.

Mr. Nielsen: And with.

Mr. Turner (Ottawa-Carleton): Yes, and with. In 1882 the home of the law courts was moved to its new building. At the end of the dedicatory ceremony Queen Victoria concluded her address with these words. I do not know who wrote them; it might have been the Lord Chancellor. She said:

The independence and learning of the judges supported by the integrity and ability of the other members of the profession of law are the chief security for the rights of the crown and the liberties of the people.

[Translation]

Hon. Martial Asselin (Charlevoix): Mr. Speaker, I listened attentively to the comments of the Minister of Justice (Mr. Turner), of course, as he was giving us the reasons for his introducing an act to appoint eleven additional judges of the Superior Court of Quebec and three additional judges for county and district courts of Ontario.

The reasons given by the minister are based mostly on the fact that since the provinces have assumed the responsibility of divorce courts, a number of additional judges must be appointed. Some of the actual judges could help those who go before those courts. In my opinion, there are reasons other than the ones given by the minister, namely to follow the recommendations of the provinces which have requested the appointment of additional judges, because as far as the province of Quebec is concerned, more judges have been needed for a long time.

Let us consider the situation prevailing in the districts where we practise our law. I might talk about the district of Saguenay

where I practise law more actively. Cases have been entered on the docket of the Superior Court which have been in abeyance for four or five years. Similar representations have already been made to the government in this house. I did so myself last year when we considered legislation aimed at increasing the judges' salaries.

It is obvious that if the provinces are entrusted with the administration of divorce courts, the result will be for some time an added work load for our Superior Court judges. The minister will admit however that the cases now before divorce courts are latent cases which have been there for a long time, and since the reasons for divorce have been extended, people with problems have naturally decided suddenly and immediately to bring them before the courts. I do not agree with the minister when he says that, according to his information, there would be approximately 3,000 to 4,000 cases on the docket for the first year—

• (3:50 p.m.)

Mr. Turner (Ottawa-Carleton): There are not that many until now, but it is expected that 3,000 cases will be put on the docket during the first year.

Mr. Asselin: Is the minister talking only about the district of Montreal, the district of Quebec or the whole province?

It is obvious, as I said earlier, that the fact that the provinces have been entrusted with the administration of the divorce courts will give more work to the Superior Court judges. But those courts must try to decide quickly the cases which are submitted to them.

I think also that corrective measures can be taken. The minister is responsible for the appointment of the Superior Court judges in the provinces, but the provinces administer justice under the constitution.

The minister, the federal government are often consulted on the appointment of judges of the Superior Court to federal or provincial royal commissions. We have had examples of that in the past, when judges of the Superior Court presided over royal commissions, federal or provincial, and were absent from the bench for three or four years. In fact, this happened in the case of the inquiry instituted on pilotage. That commission was instituted by us, and we saw a judge devote three or four years to the study of the matter, the hearing of witnesses and the submission of his report to the government.