

Judges Act

event. What I do say is that the present practice in Canada results in many intelligent persons who are supporters of other political parties than that of the government in power being precluded from these appointments.

The men who are to fill these judicial appointments should be of the very highest calibre. They are men who will deal with the lives of people, with important questions of property and with large amounts of money. We ought to do everything we possibly can to get the very best lawyers in this country when these appointments are made.

If anybody thinks that my remarks constitute severe criticism of the present system, let me point out some other criticisms which have been made in this connection. I should like to refer to an article which appeared in the *Toronto Globe and Mail* on May 19 of last year. The article is headed: "Professor Assails System of 'Party Hacks' Naming Judges". The dateline is Calgary and the article reads as follows:

Judicial appointments in Canada are a national disgrace because crass political patronage prevails over merit and ability, a University of Alberta law professor said here yesterday.

In a scathing attack on Canada's system of appointing judges of the superior, district and county courts, Professor William H. Angus of Edmonton declared that persons of political persuasions other than that of the party in power, as well as independents who do not actively engage in politics, are almost automatically eliminated.

Because the federal government makes the appointment, it is compelled to rely on the advice of the party organization in the province, he said.

"As a consequence, party hacks are in a position to exert the strongest influence when an opening on the bench appears. The result is a truly disgusting performance of influence peddling, furtive lobbying and political machination of the lowest order as the carpetbaggers vie for favor."

The article continues:

Canadians, he said, generally look down on election of judges—as is done in some parts of the United States—as carrying democracy too far. But seldom do we stop to consider that Canadian judges are very often candidates who have been rejected by the electorate."

The gravest deficiency of the Canadian method of appointing judges is its harmful effect on the administration of justice. "Today in Canada it is not an exaggeration to say that the proper administration of justice is threatened by judicial mediocracy and incompetence."

Others than Professor Angus have pointed out this problem. A number of bar associations have also pointed it out, and I am sorry that I do not have their resolutions in front of me. It seems to me that recently the Bar Association of Ontario made some useful suggestions in this connection. I believe the

bar association resolutions are all of a similar type. They suggest that the government consult a committee of the bar association of the particular province in which the appointment is to be made and select from nominees of the association in the making of appointments to the bench. This is not to say that persons who are supporters of the government in power should not be considered; certainly they should be. Some of the best people in this country are engaged in politics. I have to say that because I am surrounded by them.

One thing is true. We have to look beyond the rather narrow field of supporters of the political party in power for appointments to the bench. As I have said, events in this country during the last few years do raise questions about the efficacy of our method of appointing members to the bench.

I realize that the government is not going to abandon the old system simply because I have said a few words on this subject. Many people in the past have spoken about it. Starting in 1963, some four years ago, there was a great deal of talk about the new politics. The new politics have never been defined. Appointments to the bench, as one of my colleagues has said, have not shown any evidence of the new type of politics. But let us hope that we can get to the point where appointments to the bench and to other bodies of a judicial or administrative nature will be based upon competence. Let us get away from the old Canadian way of simply doing it on a political basis.

[*Translation*]

Mr. Chrétien: Mr. Chairman, I want to say, in a few words, that the resolution now before the house will be quite welcome in the province of Quebec. Indeed, I understand that its purpose is the appointment of an additional judge, in the Montreal district, who will specialize in bankruptcy cases.

I suggest that this initiative will be highly commended by the Montreal lawyers, because of the numerous technical problems involved in this practice. It is desirable that we have judges who specialize in such a field, in view of technical difficulties which may arise, sometimes in a very special way.

I also want to say a few words about the appointment of an additional judge in the judicial district of Trois-Rivières. According to recent statistics, the number of cases heard from 1961-62 to 1964-65 increased by more than 20 per cent, while the number of judges decreased from three to two. This legislation