

Judges Act

Mr. Garson: Mr. Chairman, I do not think I could possibly do that. I secured from the chief justice of the trial division of the court in British Columbia a statement as to the number of cases they had been considering during the past 12 months. However, I do not feel that I have the authority to demand of those provinces which are not requiring additional judges information as to how many cases they try. In a matter of this kind my authority is pretty much related to satisfying myself that in those courts in which additional judges are being asked for there is really a need for them. Moreover, I question very much whether the comparative statistics which my friend the hon. member for Yorkton is seeking would reveal much because a great deal depends upon the nature of the cases as to how long they will take. Mere numbers in two parallel columns would not necessarily indicate that a number of cases in the one column would take up more time than the same number or even a greater number in another one.

Mr. Castleden: Mr. Chairman, I believe that such a table would indicate, in a general way, the case load of the judges in the various provinces. It might turn out that there are just as many supreme court cases per judge in other provinces. From what the minister has said I take it that the request has come just from the two provinces, namely British Columbia and Quebec. In the province of Quebec at the present time, how many supreme court judges are there?

Mr. Garson: At the present time there are 44. But as an indication to my hon. friend of how lacking in comparability statistics of that sort would be, may I just say this. In the province of Quebec they do not have—as they have in my hon. friend's province—any county court judges at all. Apart from magistrates and small debt cases, all of the cases which are tried in the province of Quebec go to the one court. Hence, if one were to take a comparison such as my hon. friend indicates, it would tend to mislead unless one made allowance for the difference in circumstances. When one had done that, I am afraid the statistics would have to be so heavily qualified that they would not mean very much.

Mr. Castleden: Mr. Chairman, I still submit that if we could have the statistics with regard to the number of supreme court cases for each of the provinces for say the past five-year period, that information would indicate whether there has been sufficient

[Mr. Castleden.]

increase in the case load to warrant an increase such as this in the judges for each of those provinces. That is the figure I was after.

Mr. Garson: I can give my hon. friend the figure as to the number of actual court days that were spent by the judges of British Columbia, month by month, during the past 12 months. I think that is a better test. For the real question is this. Out of the total amount of time which all of the judges of the court have available, how many days do they necessarily spend in court considering these cases—not how many cases do they try. In one instance you may have a case, a jury trial in a civil action, that may last for two weeks. You may have another case that lasts for two hours. They each appear in the statistics as one case, but to say that they are comparable would be quite wrong. If my hon. friend would like me to put it on the record, I could give him this breakdown of British Columbia court room time. I think however, for the purposes of the committee, a statement which I have here from the chief justice of the court as to just what conditions are with the existing number of judges would be of greater service. If my hon. friend would like me to do so, I would not burden the record with all of the chief justice's statement, but I would be very glad to read the more relevant sections of it into the record.

Mr. Castleden: Such a statement concerning the number of days spent in court by supreme court judges would, I think, be of value. I think it would be perhaps of even more value to know how that compared with the number of days spent by each judge or the average number of days spent by judges say three years ago and thus ascertain whether there is an increase in the work which would warrant the increased number of appointments.

Mr. Garson: I think, Mr. Chairman, my hon. friend is right to a certain extent. Certainly we should satisfy the members of the committee that the increase we are asking is really necessary. I do not know of any better way of establishing that point than by putting before the members of the committee the conditions which were prevailing in the court at the time the request was made. I think perhaps to that end, if this meets with the approval of the members, I might quote from this report from Chief Justice Sherwood Lett. He says this:

Members of the court are, and have been for some time, overworked. All the judges have accumulated reserve judgments which, sitting as they are from day to day, they find impossible to dispose of with the promptitude which should