

Judges Act

and then return to practice. I know my hon. colleague from Carleton has a resolution on the order paper about this question. I do not think I am being partisan when I say that many members of the profession deplore the fact that retired judges do return to practice before, in many instances, the very courts of which they were members.

I think this is a situation which must be faced up to by the government and the department. Now that judges' retirement benefits are more in line with those of the rest of the community, I personally deplore the fact that any retired judge should go back to private practice. I think this is a very delicate problem involving ethics and one which judges should not have to face. It is also one which the legal profession should not have to consider either.

I want to change the subject for a minute and recall to the committee the case of the present Lieutenant Governor of New Brunswick, who was a distinguished premier of that province. He became Chief Justice of the province, and on the day he became 75 he retired and had to drop his title, becoming plain "Mr." again until such time as the government saw fit to honour him by making him Lieutenant Governor of the province.

● (3:30 p.m.)

I think that retired judges should carry the title "honourable" for the end of their days. I also think that retired judges should not plead before any court in Canada. If that means that we have to raise the retirement annuities, then this country should face this fact. I think it is time that we faced the matter of judges' salaries, privileges and so on. Each time some of us have spoken about this we have been told, "Oh, well, they need a judge in New Brunswick, and one in Alberta. Perhaps next year this can be considered." I think what I raise ought to be considered now. I should like to see a fundamental revision of the Judges Act. If it were provided that judges should carry their full emoluments until death I would be in favour of that. Let us make some fundamental decision with respect to our judiciary so that they can carry their duties with the dignity they ought to be endowed with. Judges are part of the process of government.

In spite of sniping attacks made occasionally against judges I think we in Canada can be very proud of the fact that our judiciary is of a very high standard. I think we have an obligation to continue that high standard by making such that for such things as salaries

[Mr. Fairweather.]

and other emoluments, titles and so on, judges do not have to attend upon the minister with submissions.

Mr. Prittie: Mr. Chairman, I am sure that the house will give ready agreement to this resolution, and to the bill which will follow concerning the appointment of additional judges. They are undoubtedly required. As the volume of business in this country grows and as the population grows more and more cases are heard in court, and certainly we do need more judges. In addition to judges who sit in court there are those who are employed on royal commissions and judicial inquiries of various kinds which adds to the requirement for people on the bench.

I do not know if what I am about to say will be considered by the hon. member for Royal as a sniping attack on the judiciary but I intend to make reference to the judiciary of this country. I imagine that the men who will be appointed to the bench following the passage of the bill to come before the house will be appointed in the usual fashion. They will be supporters of the government in power and there is very little likelihood that anybody else but such supporters will be appointed.

An hon. Member: Oh, oh.

Mr. Prittie: I think I hear a joker among hon. members across the way. What I have referred to constitutes a very real problem in Canada. This is not to say that we have not had excellent judges in this country as a result of this system of appointment. We have had good judges. However, recent events, and I do not mean in the last few months but in the last three or four years, have provided evidence that persons not fitted to be appointed have been appointed to the bench. This is not a problem simply because I bring it up. It has been faced by a number of the provincial bar associations and I am surprised that the hon. member for Royal has not said something about that.

The hon. member for Royal has had a good deal of legal experience. He is something of a reforming Tory, and I thought he might have turned his attention to the particular problem of judicial appointment. I say that the principle of appointments under the present system is entirely wrong. The principle that only supporters of the government will be appointed to the bench is wrong. I know I shall probably hear somebody say, "You are just jealous." Personally I am not jealous. I am not eligible for such an appointment in any