

*Electoral Boundaries Commission*

Also, those people are the first to admit to me that no matter how long they serve, no matter how hard they strive, they find it impossible to overcome completely this tendency.

I submit, Mr. Chairman, that the chief justice who is going to have to make these appointments will be quite as well aware of these tendencies as I am. I submit that it is going to place him in a very difficult and awkward position. I believe that the natural reaction of the chief justice in selecting his appointments will be, knowing that his circle is limited and knowing that he might be tempted because of his background, etc., to make the error of putting in people who are politically partisan in respect of one party, to attempt as an honest man to overcome this by consciously striving to put on the commission a Liberal and a Conservative. In other words I believe—and I could be in error, but I do have some experience with judges and am acquainted with them and the way in which their minds work—and I have been quite close to some of them for a long time and have had many opportunities to hear them expound the difficulties of trying to keep judicial—I believe that judges are very practical people, and that if the hon. member for Winnipeg North Centre had a little more experience of the courts and our judges he would know, or suspect at least, that in order to make certain they are being fair, to make certain they are not unconsciously prejudiced to one side or the other, would probably admit to themselves that the political pressure is on one side and that the only way to balance it is to make sure that they appoint one whom they know to be a Liberal and another whom they know to be a Conservative.

I suggest this with much sincerity to the hon. member for Winnipeg North Centre. In this way I think a judge will believe he has discharged his duty to be neutral by making two such appointments. He would appoint a very capable man from each party, who would have the effect of cancelling each other out, and would create much more confidence in the neutrality of the appointees than would be the case, were they merely selected from the group suggested by the hon. member for Winnipeg North Centre.

If my reasoning in this regard is not folly we are faced with the fact that the amendment amounts to this—that we should have a political, partisan appointment made by the chief justice of the province instead of by the leaders of the two parties in this house.

[Mr. Nugent.]

I cannot for the life of me justify this amendment on that ground. While I have said that chief justices, once they are appointed, strive to rise above partisan politics and become judicious in their outlook and neutral in their behaviour, although they do not become completely successful in this regard there is no doubt they do become a little removed from the scene and their contacts become a little old. They become a little out of touch with the people operating on the political scene no matter how much they remember those who in years past were the most influential, most important and perhaps wisest men in matters political in their area. Therefore my objection to substituting the chief justices for the leaders of the parties is that these men are out of touch. They are not so likely to know today's conditions; they are not so likely to know the various problems; they are not so likely to know the growth of communities, etc., as well as the means of communication in electoral districts; and therefore the people they choose are not so likely to be so well chosen or to be the best chosen as would be the case if the appointments were made by our political leaders, who are up to date on the situation.

The next point I want to make is that if this method works the way I think it will work, should we adopt the amendment, it would put the chief justice in the position of making two partisan political appointments, and to that extent he is mixing in politics. He is taking part in political questions in the community in a way which is contrary to his experience and training on the bench ever since his appointment. I do not think we should put the chief justices in that position. I do not think it is a role they would relish, and as I have said I do not think, because of their removal from the political scene, that they would make as good appointments as those who are presently acquainted with it.

With regard to the classes of people suggested by the hon. member for Winnipeg North Centre who might be chosen to fill these three posts, once you start to limit a very small class and give a very small choice to the chief justice you are going to suffer somewhat in quality. I am not sure that at this moment I can outline all of the qualifications which might be thought most suitable for members of these commissions, but certainly no one would question that intelligence would be one. They should also be well acquainted with the province. The fact that they have political experience demonstrates their interest in government, whether on the provincial,