

plaintiffs cannot see the day when a judge can here their case, then justice deservedly projects the poor image to which Canadians are unfortunately accustomed.

I think of the numerous cases of car accidents where insurance companies take advantage of the snail's pace of our justice to drag on cases in the courts. The plaintiff who had an accident faces problems; he must pay hospital bills, doctor's bills, the cost of automobile repairs, dentist bills, and though he is often unable to work as a result of an accident; he must go on. But if his case is in the hands of the insurance company with which he is insured and drags on before the court, he can face extreme financial hardships.

This snail's pace allows Insurance companies to drag on and on, and to drive the plaintiff to a position where, before the hearing of his case, and owing to the troubles caused by his accident—and this is but one example—he will have to reduce the amount of his claim, maybe from \$25,000 to \$5,000. I have seen it happen. This enables the insurance companies to settle for a mere song. And in those cases, plaintiffs are deprived of their right to justice because their patience is exhausted, because they are beset by financial problems, and because they could not come before the court. They have a legitimate claim, but they give it away for a song. Besides, when insurance companies make dilatory pleas to delay the hearing of a case for two or three years, they save interest. Indeed, when a case is settled out of court with the plaintiff, those companies save huge amounts of interest money. As attorneys in this house know, interest applies when a judgment is passed. But when there is no decision, and the case is settled out of court, in most cases insurance companies save interest. Those companies which loaned the money they would be called to pay some day, loaned their money with interest.

Now, Mr. Speaker, here is my argument. When the course of justice is delayed far too long, as is the case at present, that becomes an injustice; only by appointing eleven new judges can we manage to settle thousands of cases pending before the Superior Court in the Montreal area, for instance, and the hundreds of others which lawyers are ready to plead but cannot for lack of judges to hear the cases.

[English]

**Mr. Eldon M. Woolliams (Calgary North):**  
Mr. Speaker, I shall only take a few moments

29180—78½

### Judges Act

this afternoon because I think we have already had quite a lot of discussion on this measure.

First of all, I should like to deal briefly with a report that appeared in the Canadian Press stating that in some previous remarks of mine I had criticized the Supreme Court of Canada. I did not raise this matter as a question of privilege but I should like at this stage to refer to what I said, as reported at page 879 of *Hansard*:

In defence of the Supreme Court of Canada may I say that I think its judges are overworked. The judges of that court do not receive the assistance given to judges of the supreme court of the United States, who have many lawyers behind them to help them in research. In this country our judges have no such facilities and that is why they are overworked, no doubt.

• (4:30 p.m.)

I went on to say that instead of cutting down the number of cases coming before that court we ought to increase the number of judges.

There was another mistake in the article. It reported that I had referred to the question of jurisdiction as being based on a minimum of \$2,000. Actually I think I said that the old minimum was \$2,000 and that one could appeal on a question of law or of fact and law. In the new act this will be narrowed down to a question of law. When I read the article it seemed to me that the wrong impression was left on the question of jurisdiction.

As I understand the new legislation which is before the other place and which Senator Roebuck has discussed, it seeks to limit the jurisdiction of the Supreme Court of Canada to cases involving a minimum of \$10,000. The jurisdiction of that court is also narrowed considerably to questions of law only. The whole point of my previous speech was, as Senator Roebuck said, that by setting that amount with respect to the jurisdiction of the Supreme Court of Canada, the ordinary people of Canada are debarred from obtaining justice. In other words, jurisdiction is being set on a materialistic basis. Anyone wishing to appeal an action for \$10,000 where questions of fact and law are mixed would not be able to appeal to the Supreme Court of Canada.

I now want to reply to some of the remarks the Minister of Justice made about the exchequer court. We expect the Minister of Justice to defend the exchequer court, just as we expect him to defend the R.C.M.P. when