

Bill as it stands, and then when it is accepted by this Committee, it may be reprinted.

Mr. TWEEDIE: I regret very much that I have not heard the remarks of the Minister of Justice in regard to this Bill. While it is a very short Bill, it is very important, and it lays down a principle in connection with the judiciary of this country which should receive very careful consideration before any change is made in the general practice. Under this Bill, we give the Government power to fill temporarily vacancies which may be caused by the illness of members of the Supreme Court of Canada; but when we do that, we should not go any further, and the Governor in Council should perform its function in connection with temporarily filling these vacancies just as it does in connection with a permanent appointment to the bench. It is perhaps unfair to this country to place such a power—as would be done under this Bill as originally printed, or as it is proposed to be amended by the Minister of Justice—in the hands of the Chief Justice of Canada or the Chief Justice of the Supreme Court of any province. Perhaps it would be wise if the Government would adhere to the original practice, and have these appointments made, even although they are made temporarily, by an Order in Council, for which the Government shall be responsible. As to delay in having these amendments printed, I call the attention of the House to the fact that, prior to the calling together of the House of Commons, there was dislocation of the work of the Supreme Court of Canada. About a month before Parliament assembled the Supreme Court of Canada had to adjourn its sittings by reason of the illness of two of its members. If there had been absolute necessity for haste this matter might have been disposed of much earlier in the session than now. Personally, I am desirous of seeing in type the amendments which the Minister of Justice proposes to make to this Bill, and then I shall be able to vote intelligently on it.

Mr. LEMIEUX: I wish to press once more the suggestion I made the other day to the Minister of Justice about the assistant judge of the Exchequer Court. The minister will remember that when the Supreme Court was constituted Exchequer work was done by the Supreme Court. It was only in after years that a separate jurisdiction was created, and that the Exchequer Court came into existence. At first there was only one

judge of the Exchequer Court, Mr. Justice Burbridge. Then the present incumbent, Sir Walter Cassels, was appointed, and an assistant judge was appointed with the same jurisdiction, the only difference being that one was the senior judge and the other the junior. My hon. friend is right in stating that the Chief Justice of the Supreme Court may request the Chief Justice of any Superior Court to delegate some one to act as judge ad hoc. Would it not be more proper and more in the interests of the litigants, inasmuch as it would save time, for the chief justice to request the judge of the Exchequer Court, who originally had the same jurisdiction as he has, either to give his services as judge ad hoc or to ask his assistant to act in his stead? The reason is obvious, because it may happen that the Chief Judge of the Exchequer Court may be away. The Exchequer Court judges travel from one part of the country to another. Sometimes you have Mr. Justice Audette or Sir Walter Cassels in Prince Edward Island, or Quebec or Nova Scotia. One of the two is generally in Ottawa. There is no distinction as between their jurisdiction; it is the same except that the one is Chief Judge and the other is Assistant Judge. It seems to me it would serve the ends of justice, and it may on many occasions save time to get right in the same building the very man whom the Supreme Court would like to have to fill a gap. I shall, under these circumstances, give notice of an amendment to add to line sixteen, after the word "judge," the words "or the assistant judge."

Mr. DOHERTY: I appreciate what the leader of the Opposition has pointed out as to the impossibility, so far as I can see it, of our reprinting the Bill at this stage with the amendments in the position in which they now stand. At the same time, I have every desire in the world that the measure should not be dealt with, without every hon. member feeling he has had every opportunity to grasp its full effect and significance. Under those circumstances, we might proceed to-day in committee, and if, after we have got through the committee stage of the Bill, hon. members still feel they desire further time for consideration, we might perhaps not press the Bill further to-day. It might still be possible, if we get this Bill through this House to-morrow, to attain the result, which I think is desirable, of having the measure passed, if the House desires it should be passed, in time to put the court in a position to act next week.