

Mr. Byrne: Mr. Chairman, I wonder whether the hon. member would take the same position in respect of the appointment of directors to the boards of directors, of provincial banks?

Mr. Leboe: That is a completely different matter. The directors of provincial banks are chosen because of the interest they have in a particular bank. The situation is the same as in any other business and no comparison with the appointments now under discussion exists.

Mr. Bigg: Mr. Chairman, I believe that the proposition now before the committee should be accepted. There is tremendous backlog of cases in all our courts as a result of which injustices are caused by delays. With regard to the question of appointing extra judges to the bench I feel that the number proposed is the minimum requirement and that it should be doubled so that cases can be concluded and judgments delivered.

Having regard to the question of the advisability of making appointments outside of politics, I cannot understand what the argument is. We cannot operate in a vacuum. Every single corner of public life is affected by politics and I am one who likes to believe that politics attracts the highest type of public servant. I fail to see why an association with politics should disqualify any man from any position anywhere in Canada.

Mr. Leboe: Mr. Chairman, I should like to ask the hon. member when he heard anyone in this house suggest that because someone had belonged to a political party he should be disqualified for appointment as a judge?

Mr. Bigg: Mr. Chairman, if the hon. member thinks the hat fits he should wear it. I am trying to put forward an argument against any suggestion that the appointment of judges should be removed from politics. I do not understand how any decision of moment in Canada can be taken outside of politics. I think politics demands individuals of the highest character and ability from every segment of our population and in my opinion it is patently ridiculous to suggest that because a man sat for two weeks in the House of Commons he should be prevented from ever taking a position of authority on the bench.

If one took this suggestion to its logical conclusion I suppose it would mean that all individuals associated with politics would be unqualified for any civil service position or to be members of the R.C.M.P. or the armed

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forces. I should like to think that the experience gained by individuals as members of this house, the highest court in the land, if they had the other qualifications required, would help to qualify them even for the position of judge of the Supreme Court of Canada.

Mr. Pennell: Mr. Chairman, I am somewhat surprised that this small but not unimportant measure should arouse so much intellectual shot and shell in this chamber. However, I appreciate both the motive and the point of the hon. member for Burnaby-Richmond. At the same time I should add that I must support the proposition eloquently advanced by the hon. member for Carleton.

I respectfully point out that the standard of the judiciary in the United Kingdom is unsurpassed anywhere. There, the Lord Chancellor, who is the holder of a political office, from time immemorial has dealt with appointments to the courts. I respectfully direct the attention of the house to the fact that the Attorney General in the United Kingdom invariably succeeds to the office of Chief Justice if a vacancy occurs during his tenure of office as Attorney General. It is generally regarded in England that active participation in politics is beneficial to the qualities of a judge.

In conclusion let me say that during my 20 years at the bar I have never heard the slightest suggestion that the prior political activities of a judge in any way influenced his judgment. I say this at the same time recognizing the point made by the hon. member for Burnaby-Richmond. I respectfully commend this resolution to the committee.

Mr. McCleave: Mr. Chairman, may I direct a question to the Solicitor General? Is it not a fact that appointments to the bench in the United Kingdom by the Attorney General do cross party lines, which is something that does not happen in this country?

Mr. Pennell: In reply to the hon. member let me say that as I understand the situation appointments are made by the Lord Chancellor and frequently do cross party lines. Such appointments happen occasionally in this country, and I use the word "occasionally" candidly, but I would point out that the Lord Chancellor selects members of the House of Commons frequently in making these appointments.

Mr. Scott (Danforth): I should like to ask the Solicitor General whether it is true that