

This Bill has not had the consideration which a measure of its importance should have had. I think that the whole difficulty can be got over if the Government itself will take the responsibility of appointing such judges as may be required—two, or three, if necessary—so that the court may always be properly constituted and so that the difficulty suggested by the member for Three Rivers could not possibly arise. The country would have confidence in the appointments of the Government, and all the difficulties suggested would fade away like a snowball in the hot sun. Let the minister put a provision in the Bill to this effect; let him do away with all these varied conditions which are likely to arise in the case of judges not being present or the case of two being required when only one is provided for. Let the Government take the responsibility so that the business of the country may not be held up at any time for want of a quorum of judges in the Supreme Court of Canada, and so that we shall have a court with, perhaps, more life in it than it has had for a long time past.

Mr. Du TREMBLAY: I do not think that it is a good principle to adopt that the Government should appoint a judge or judges in special cases when the properly constituted judges are unable to sit. The people would complain of these appointments; they would certainly be displeased, and would not believe it to be a good principle. Moreover, the principle of the Bill in every way is wrong. I support very strongly the suggestion of the member for Three Rivers; let us appoint another judge of the Supreme Court, if necessary. The minister knows well the position of the Superior Court in the province of Quebec; we have no judges to spare, and if any move in the matter of appointment is to be made, a good move would be to appoint someone to that Superior Court. The business of the Quebec courts is suffering, especially during certain months, and I suggest that the Minister of Justice look into the matter.

The CHAIRMAN: Shall the amendment carry?

Mr. MORPHY: No.

Mr. BUREAU: I do not wish to be understood as having stated that if any judge was to be taken from any Superior Court or inferior tribunal to sit ad hoc in the Supreme Court, he ought to be appointed by the Governor in Council. I say that judges should not be taken from their jurisdiction. The appointment of judges in such cases

[Mr. Morphy.]

by the Governor in Council would be radically bad. The chief justice would at least be able to tell what judge he could dispense with or what judge would have more time to spare than another; while the Governor in Council could not possibly be familiar with any of these conditions.

Mr. DEVLIN: I am heartily in sympathy with the measure brought down by the Minister of Justice. I feel that no man is more competent to express an opinion as to what men should be chosen to sit on cases in the Supreme Court than the chief justice of the court to which the application is made. From the experience which the chief justice has had in dealing with the particular judges of the court, he is, it seems to me, in a position to know who has the most talent, who has the most experience, who is the best versed in law. I readily support the Minister of Justice.

Amendment agreed to.

The CHAIRMAN: Mr. Lemieux moves to further amend clause 1 by adding to line sixteen, after the word "judge" the following words "or the assistant judge." The clause will then read:

—as an ad hoc judge, for such period as may be necessary, of the judge or the assistant judge of the Exchequer Court.

Mr. DOHERTY: I do not want to appear as being in the position of criticising in any way or suggesting that the assistant judge of the Exchequer Court is not, speaking of him as an individual, in every way thoroughly competent, but I do think it is incongruous that, when we are dealing with providing a judge for the ultimate appellate court of the country, we should, in preference to the chief justices and the judges of all the higher courts of the provinces, call in a gentleman who, however high his qualities, does hold the position of assistant judge in the court to which he has been appointed. I do not wish, as I have said, to suggest that that implies any lack of qualification upon his part, but at the same time it does not seem to me to be desirable that we should take an assistant judge of any court and place him in the position of sitting in the ultimate tribunal. There is also this that might be pointed out as a practical consequence, namely, that you will create a situation in which, although the letter and the spirit of the law is that you fully meet the special system of law in Quebec by providing two judges from that province, you will, in every case, even in cases coming from other provinces, where you need an ad hoc judge