

*Judges Act*

The Quebec legislature provided for 11 new judgeships for the Superior Court of Quebec, namely three for the judicial appeal district in Quebec and eight for the judicial appeal district in Montreal.

As far as the judicial appeal district in Quebec is concerned, I understand that one of the three judges will be assigned to the new jurisdiction assumed by the province in divorce matters. And in the judicial appeal district of Montreal, I am advised that five of the eight judges will be assigned to that new jurisdiction.

The other appointments result from the increased work load of the courts. The Quebec law authorizing the appointment of eleven new judges was given royal assent on July 5, 1968 and the section dealing with the increase in the number of Superior Court judges is to become effective on the day of proclamation which, I am told, will be within a few days.

Hon. members are aware, Mr. Speaker, that such amendments to the Judges Act are part of the ordinary business of a session, since the work of the courts reflects to a large extent the population increase as well as other factors affecting the life of a community.

In the two cases in question, the provinces have asked us to proceed with the necessary appointments to fill the new posts within a short period.

The proposed legislation will authorize the payment of the prescribed salaries and will thus make it possible to proceed with the appointments.

[*English*]

I might say that the associate chief justice of the Superior Court of the province of Quebec advised me that he estimates that the number of divorce petitions that will be presented in the province of Quebec, in the first year of the assumption of jurisdiction by that province, will be 3,000 to 4,000, and that 80 per cent of these petitions, roughly 2,500, will probably be presented in the judicial appeal district in Montreal.

I should now like to deal briefly with some of the points that were raised by hon. members at the resolution stage. The hon. member for Calgary North (Mr. Woolliams) said he had some concern about the habit of some judges reserving decisions for an inordinate length of time. I think every practising lawyer has undergone the burden of having the decisions in cases he has pleaded before the

[Mr. Turner (Ottawa-Carleton).]

courts reserved for a year, two years, and sometimes longer.

• (3:30 p.m.)

I am sure the hon. member knows that the immediate responsibility in the administration of justice would lie with the attorney general of the province concerned and, of course, in so far as the administration of a particular court is concerned, with the chief justice. I can assure him that if I were to receive any complaints about the time elapsing between the hearing of a case and the rendering of a judgment I would of course refer this matter to the attorney general of the province and the chief justice concerned, in so far as my jurisdiction allows, and ask for a report. There is a good deal of substance in what the hon. member says.

I am afraid at this stage I cannot make any comment upon what he said at the resolution stage about the amendment to the Supreme Court Act which is now before the other place. He referred to some remarks made by Senator Roebuck. There will be an opportunity in the proper forum for me to address myself to that subject. I am sure he understands that the privileges of the other house need to be respected. In this case the legislation is currently before the other place.

The hon. member referred to the confusion which seems to have arisen in Ontario between two conflicting judgments at first instance on the matter of divorce. I understand the judgments have now been referred to the court of appeal for Ontario. They relate to the rules of procedure of the Supreme Court of Ontario involving substituted service in the case of a desertion. As I have said, if the Divorce Act itself turns out to have gaps and ineffective provisions in it, then, of course, I would consider it my duty to introduce amendments to the act after a sufficient period had elapsed to give the act a fair trial. I also suggest it is my view that there might be latitude within the present rules of procedure of the Supreme Court of Ontario to remedy any defect in the rules as they affect the administration of the Divorce Act.

I wish to take issue with the hon. member for Calgary North in respect of one aspect of his speech. This has to do with his remarks concerning the Exchequer Court of Canada. When he said that the judgments of the exchequer court tend to lean toward the crown I am sure he did not mean any reflection upon the independence or impartiality of those judges. I am sure also that when he