

**NORTH ATLANTIC TREATY
INTERNATIONAL WHEAT AGREEMENT**

DOCUMENTS TABLED

Hon. Wishart McL. Robertson: Honourable senators, I beg to lay on the table the following documents: The North Atlantic Treaty, signed at Washington April 4, 1949, and the International Wheat Agreement. Two copies in English and two copies in French of these documents are being tabled.

Hon. Mr. Crerar: May I ask my honourable friend if copies of the North Atlantic Treaty and the International Wheat Agreement are available for members of this house?

Hon. Mr. Robertson: I am reasonably certain that copies of the North Atlantic Pact can be obtained in pamphlet form, but I shall have to ascertain whether or not printed copies of the International Wheat Agreement are available.

JUDGES BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill 234, an Act to amend the Judges Act, 1946.

He said: Honourable senators, I have asked the honourable senator from De Salaberry (Hon. Mr. Gouin) to explain this bill.

Hon. L. M. Gouin: Honourable senators, the purpose of this bill is to authorize the Governor in Council to increase by not more than six the number of judges of the Superior Court of Quebec.

Under section 48 of the Quebec Code of Civil Procedure, the Superior Court has original jurisdiction in all suits or actions which are not exclusively within the jurisdiction of another court. In fact, as all my confreres from my native province know, the Quebec Superior Court is the successor of the Conseil Souverain de la Nouvelle-France, or Conseil Supérieur. I believe that at the beginning of the British regime it was also called the Court of Common Pleas. At all events, it is our general court of original jurisdiction, and before it come the great majority of ordinary civil cases.

At the present time there are only thirty-seven judges serving on that court, and as a result very serious delays are occasioned. In the district of Montreal there are some 5,000 cases waiting to be heard, and a large number of them have been awaiting trial for a year and a half or more. The shortage of judges was referred to last Monday in the other place by the Prime Minister himself, and also by the Minister of Justice.

In the 1948 session the Quebec Legislature adopted legislation for precisely the same reason. Section 1 of chapter 16 of the Quebec Statutes of that year authorizes the Lieutenant Governor in Council to increase to six the number of puisne judges of the Superior Court of the province. The next paragraph in the section reads as follows:

Notice of any decree passed under the preceding paragraph shall be published in the *Quebec Official Gazette*.

The bill before us simply authorizes the Governor in Council to appoint additional judges, after the provincial legislation just referred to has been proclaimed, which so far has not been done.

Section 96 of the British North America Act provides:

The Governor General shall appoint the judges of the Superior, District and County Courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

Section 92 of that Act gives the provincial legislature exclusive jurisdiction in relation to various matters, including, in particular, the following, mentioned in subsection 14:

The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts.

From this it follows that the Quebec Legislature has authority to increase the number of judges in the province.

The Bench and Bar in Quebec are desirous that appointments should be made at the earliest possible moment, in order to overcome the acute shortage of judges. The situation caused by this shortage is especially bad in Montreal, where thousands of cases have been piling up and awaiting trial for eighteen months or more. Our people at large are entitled to have their legal disputes heard by the courts without unreasonable delay. If the present bill is not passed at this session, the Governor in Council will not be able to appoint additional judges until parliament meets again. I am sincerely convinced that the interests of justice make it urgently necessary to have the bill passed at the present session. By adopting the bill we shall be doing everything in our power to remedy the present situation, which speaks for itself much more eloquently than I can do.

Hon. Mr. Haig: May I ask the honourable gentleman a question? I am not opposing the bill, but I have never been able to understand why there are so many Superior Court Judges in the province of Quebec. In Ontario, for instance, the total number of Supreme Court Judges, including members of the Court of Appeal and of the High Court of