

state of health. In both cases the gentlemen sent in their resignations, and have since been replaced.

As the hon. member knows, the prevailing opinion is that under the provisions of the British North America Act with respect to the administration of justice, judges cannot be removed from office unless very good grounds have been shown for such action, and not under normal circumstances without a joint address of both houses of parliament.

Mr. HANSON (York-Sunbury): That is in respect of the courts established before confederation.

Mr. ST. LAURENT: Yes, the high courts. With respect to federal courts the question has arisen as to the unfairness of the reservation of judgments. I quite agree with the leader of the opposition that this is unfair to the litigants and to the public generally. Frequently there are cases the determination of which awaits the settlement of other matters. That is one of the difficulties with which we are constantly confronted. From time to time representations are made by members of the bar that certain judges are taking an extraordinarily long time to give judgments. In such cases correspondence is initiated with the attorney general of the province concerned and representations are made to the judge about whom the complaints have been received. They are not always as effective as we would like to see them. Only recently the benchers in one of the provinces considered a recommendation to the legislature of that province that an act should be passed to provide that if a judgment was reserved for more than a certain number of months either party to the litigation could treat the case as susceptible of appeal and inscribe it for decision in the court of appeal. That matter is still under consideration.

I should like to see followed by as many as possible of the judges in this country the advice that I understand is given frequently to those who mount the bench in the United Kingdom. Lord Hanworth told me that when he first became a judge he was advised to try to deliver judgment immediately in all cases. He said that he found it very difficult to do that, but had succeeded in training himself to the point where in ninety per cent of the cases he delivered judgment immediately, and in cases where he had to reserve judgment, it was seldom that he did not succeed in getting his opinion ready over the week-end so as to deliver his judgment on Monday morning and avoid starting the week with any reserved cases.

Mr. HANSON (York-Sunbury): He was wonderful.

Mr. ST. LAURENT: If anything approaching that degree of perfection could be achieved by our judges, it would be a real service to the public generally. I am sure the fact that this matter has been the subject of discussion in the house to-day will have some beneficial effect.

Mr. ROEBUCK: I do not suppose anyone would hesitate to agree with the general principle which has been stated that men should not be kept in high positions of any kind, much less upon the bench, whose powers have waned and whose ability to discharge the high offices they hold is no longer theirs. But that is a general principle. No one with any knowledge of the facts would care to contradict the suggestions that have been made. I have practised in the courts too long for that. Men do grow old, and sometimes judgments are long delayed, and judgment delayed is frequently justice denied. I have in my memory a case in which I acted counsel on one side in 1933 and the judgment has not yet been delivered. At least one of the litigants is dead; the lawyer who was on the other side is dead, and now the judge is dead. I fancy that the litigation is dead also.

Mr. MacNICOL: Do not go any further.

Mr. ROEBUCK: You cannot go any further in an instance of that kind.

Mr. MacNICOL: I was thinking of the hon. member.

Mr. ROEBUCK: I suppose it is time that that happened. I have mentioned an extreme case, but it was because of incidents of that kind that I proposed, when I held the office of attorney general of Ontario, to introduce legislation giving a litigant the right to appeal to the court of appeal after a judgment had been delayed, say one year. The very threat of that legislation I think brought about a certain measure of reform. I know that the number of old and undelivered judgments was decreased in consequence.

But that is all general. At the moment we are not dealing with the general principles involved in delayed judgments or the continuance in office of judges who are too old, and all that sort of thing; we are dealing with one specific case. I have some knowledge of it. I have pleaded before the present Chief Justice of Canada, and a more delightful, more encouraging, polite and able judge never sat on the bench in Canada. I can say that from personal knowledge, knowledge of fairly recent date and knowledge that goes back a good deal. I have in mind an argument of ten or twelve days' duration in connection with constitutional appeals. It was a reference from