

also to amend the third line of the present section (2) by striking out after the word "judge" the words "from a provincial court." The effect of this modification would be to make the requirement that where one of the two judges who is absent or ill, and who is to be replaced, is one of the two judges which by the statutes are required to be judges of the province of Quebec, that in this case application should be made for the judge of the provincial court wherever it is a matter of cases coming from the province of Quebec.

Mr. BUREAU: It would be a King's Bench judge?

Mr. DOHERTY: Yes, or if the Chief Justice chose to designate a judge of the Superior Court, I do not think he would be limited in that regard. The application would go to the Chief Justice of the provincial court. I presume he would designate a judge of his own court, I think it would be probably the proper action on the part of the Chief Justice. Of course, there might be cases where it would be difficult to do that, because an appeal might be from the judgment of that very court of appeal in which possibly one of the judges of the appeal court might have sat.

I would beg further to amend subsection (2) which, if my amendment carries, becomes the proviso, by adding at the end thereof the words "designated as above provided," so that the provision would be that he "shall be a judge of the court of King's Bench or a judge of the Superior Court of that province designated as above provided."

I beg further to amend subsection (3). This is also an amendment consequent upon the previous change to amend subsection (3) of section 1, in the first place, by substituting the figure (2) for (3) and in the second place by inserting in the second line, after the words "senior puisne judge," the words "and where a judge of the provincial court is designated to act, of the letter designating him." That particular subsection made the requisition of the Chief Justice the proof of the authority of the sitting judge, whereas in virtue of the proposed change it will be necessary to have not only a requisition of the Chief Justice but a designation by the Chief Justice of the province to complete the proof of the authority. It would be proper, at all events, to provide that the requisition and the designation shall be the proof of the authority.

Also, following upon the proposed change in subsection (1) I beg to move to amend subsection (4) by substituting the figure (3) for the figure (4), and by inserting after the word "requested" in the second line of the subsection the words "or has been so designated," to provide for the case of the judge who is properly requested, and the case of the judge who is designated.

I beg further to move to amend section (5) by substituting (4) for (5), and by inserting in the second line of the subsection, after the word "request," the words "or upon such designation." And, finally, to amend subsection 6 by substituting (5) for (6)

Mr. Du TREMBLAY: I understood from the minister during the previous discussion on this Bill that he would have no objection to calling upon the second judge of the Exchequer Court in such cases.

Mr. DOHERTY: I should have no objection to allowing the second judge to sit, but as we are dealing with the final Court of Appeal of Canada it seemed to me that we should not provide for the sitting of a judge who, in the particular court to which he belongs, is the assistant judge. The reason why it had been considered desirable that the assistant judge should sit was in order to have, in cases from Quebec, and in cases where the absent judge was a Quebec judge, a judge versed in the law of that province. That object is attained by the provision that where the absent judge is one of the two judges required by the statute to be judges of the province of Quebec, and where the case to be dealt with is a case from that province, there shall be asked for and designated a judge of the Superior Court or Court of the King's Bench of the province of Quebec. So that the provision as it now stands, with the amendment, meets the necessity of having at all times, in cases from Quebec, the statutory number of Quebec judges. It did not seem, therefore, desirable that we should specify or designate the assistant judge of the Exchequer court when we had open to us the entire field of provincial judges.

Mr. MORPHY: A Bill of such importance as this cannot be properly considered until it is printed in the form which it will assume with the amendments. Five or six amendments have been proposed and discussed; some members have not heard them, and some cannot understand them. Moreover, a large number of members have not heard the remarks of the minister, and I suggest that he have the Bill referred