

Supply—Justice

89. Administration of Justice—miscellaneous expenditure, \$6,000.

Mr. HANSON (York-Sunbury): What is this?

Mr. LAPOINTE (Quebec East): This is the cost of the administration of justice in the northwest territories to cover such matters as trials of Eskimos.

Item agreed to.

90. Expenses of litigated matters, \$25,000.

Mr. HANSON (York-Sunbury): Is this the usual vote?

Mr. LAPOINTE (Quebec East): Yes.

Mr. HANSON (York-Sunbury): How much has been spent?

Mr. LAPOINTE (Quebec East): It varies from year to year. In 1936-37 it was \$57,328; in 1937-38, \$24,283; in 1938-39, \$21,473; and in 1939-40, last year, it was \$12,000 odd. The average estimated expenditure is \$25,000, but only half of it was spent last year.

Item agreed to.

91. Annual contribution to the Canadian law library, London, England, \$500.

(S) Attendance judicial committee of the privy council, R.S.C., chap. 105, \$3,000.

Supreme Court of Canada—

(S) Judges salaries, \$87,000.
Administration, \$71,180.

Mr. HANSON (York-Sunbury): The item of \$3,000 is marked statutory. I do not think it is quite in that category. It is provided under a statute, but the statute is entirely permissive. Section 22 of the Judges Act provides that the governor in council may pay the expenses of travelling and living while in attendance, in a sum not exceeding \$3,000, to a member of his majesty's privy council who is eligible to be a member of the judicial committee and who attends any sitting thereof. What is the situation at the present time with regard to the hearing of appeals by the judicial committee? Are they hearing appeals?

Mr. LAPOINTE (Quebec East): They are hearing appeals, but not many Canadian litigants are taking advantage of it. We have cases which have been postponed until after the war. I have in mind a couple of cases with the government of Ontario. The committee is, however, sitting. The amount is put in the estimate, but I have the conviction that the chief justice will not go this year.

Mr. HANSON (York-Sunbury): We have in our own office two cases which are in exactly the same position. There is nothing to prevent people from going to the old country and having appeals heard.

[Mr. E. Lapointe.]

Mr. LAPOINTE (Quebec East): Absolutely nothing.

Mr. HANSON (York-Sunbury): There is no suspension?

Mr. LAPOINTE (Quebec East): No.

Item agreed to.

92. Administration—Exchequer Court of Canada—judges salaries and travelling allowances of admiralty judges, \$24,800.

Mr. BROOKS: I understand there is a vacancy in the king's bench division in New Brunswick through the resignation of the chief justice. As the minister no doubt knows, the chief justice has been ill for a number of years and has not been able to discharge his duties on the bench. Mr. Justice Le Blanc has had other work to do in connection with the Farmers' Creditors Arrangement Act and considerable work has been piling up on the king's bench. May I ask when an appointment will be made? May we expect one soon, and does the minister feel constrained to tell us whom he has in mind for the appointment?

Mr. LAPOINTE (Quebec East): My hon. friend is asking a little too much. Perhaps I am doing my bit in the field of economy by waiting before filling the vacancy. There is another vacancy in Canada. There are only two vacancies on the bench, one in New Brunswick and another in Manitoba. I have made investigations and have been informed that the work is not suffering at all. There has been a great decline in litigation in all the provinces, so much so that I was told by the judges of the Supreme Court of Canada that for the first time since the court was established there was, at the last term, not a case from my own province. Therefore litigants are not very active anywhere, and so long as we do not appoint a judge either in New Brunswick or in Manitoba, we have no salary to pay. That is an economy. My hon. friend may be sure that if it appears to me or if I am informed that an appointment is necessary, I shall see to it that one is made. As to who the appointee will be, I respectfully decline to tell my hon. friend.

Mr. HANSON (York-Sunbury): I am not quarrelling with the minister's decision to save the salary of the king's bench judge. May I point out the exact position in New Brunswick. Years ago we had a bench of five or six members—a chief justice, a judge in equity and the others on circuit. They all met and formed a court *en banc* and no judge sat on appeal from his own decision. Subsequently, about thirty years ago, they decided to change the procedure, and they formed three divisions of the court.