government years ago intended to deport certain Japanese-Canadians to Japan. He also appeared in the notable Saskatchewan labour relations case, to mention just two. His record before the courts is one that makes me feel very proud. He has established a distinction within the courts, which is certainly a great honour to him.

I should like to give credit to the Minister of Justice (Mr. Lang) for introducing this bill, which I think is long overdue, and to the committee of the Canadian Bar Association which made a thorough study of this matter. I would be remiss if I did not give a great deal of credit to the present Chief Justice of the Supreme Court of Canada who, many years ago, began urging amendments to the act. In fact, he had an article on the subject in the "Canadian Bar Review" in 1951. It is to his credit that some initiative was taken, and it has reached partial fulfilment in Bill S-2.

The Minister of Justice went into detail in respect of the recommendations of the committee of the Canadian Bar Association. That committee handled the matter very well, and I am not going to add to that. I think the primary purpose for these changes is to reduce the heavy workload of cases prevailing in the Supreme Court of Canada. The hon. member for Fundy-Royal (Mr. Fairweather) compared its case load to that in the United States. The number of cases dealt with by the Supreme Court of Canada represents a remarkable achievement.

There are three main areas in respect of the proposed changes; one is very trivial, and two are important. The first change will allow judges of the Supreme Court of Canada, the registrar and the deputy registrar, to reside within the national capital or within 25 miles thereof. That is a change from the present provisions in the act which state that judges of the Supreme Court of Canada must reside within the city of Ottawa, or within five miles thereof. I rather think this is a trivial thing. Probably the amendment should have done away entirely with the requirement that a judge, the registrar or the deputy registrar of the Supreme Court of Canada must reside within the national capital or 25 miles thereof. Perhaps at the committee stage an amendment in that regard will be moved.

● (1600)

The second rather important change is that which allows interest on judgments of the Supreme Court of Canada in respect of certain awards of money. The reason for this is that judgments come from the lower court where no money award has been made, and there have been cases before the Supreme Court of Canada in respect of which the judgment of the lower court was reversed and a money award made. The problem then is in respect of interest which would be applied, and the date for which it would run. I hope the Minister of Justice will direct his mind to this because I think the provision is not too clear concerning when the interest begins to run. Is it to run from the time of the application of the action in the lower court, or from the time the judgment was made in the lower court? We would like some clarification on that matter.

The third and most important change is the restriction, in respect of appeal to the Supreme Court of Canada, to cases in which leave to appeal has been granted. There is an old legal maxim which says that justice delayed is justice denied. That is very true. When one thinks of some of the cases before the Supreme Court of Canada where two years expire before a case is heard and when, after a case is heard until the time of the judgment six months have elapsed, one finds that there is a span in respect of appeal to the Supreme Court of Canada of two and one half years. In many cases it could be said that justice delayed is justice denied. For that reason alone immediate attention is certainly called for in respect of this matter.

The minister has said that one of the reasons for the delay in the past has been because of appeals as of right where the amount exceeded $10,000, and also with regard to *habeas corpus* and *mandamus* actions. That certainly has been the main cause of the delay.

I would hope there would be a further reduction in appeals in respect of negligence accidents. I can foresee, within the next ten years, motor vehicle cases being transferred from the courts to other tribunals. This has been done in some of the provinces across the country, and I think we will see within the next five or ten years that negligence cases are done away with, with regard to the Supreme Court of Canada. I rather look forward to that day.

With regard to the restriction on appeals to the Supreme Court of Canada to cases in which leave to appeal has been granted, I would point out that this restriction was imposed in England in 1934 and in the United States in 1925. It is now being imposed in Canada in 1974. This indicates the remarkable speed with which the courts and the government of this country move at times.

Mr. Knowles (Winnipeg North Centre): They do not do things over night.

Mr. Lang: Very steady.

Mr. Gilbert: I must say that most of the cases that are heard in the United States deal with constitutional matters. In the Supreme Court of Canada we have a wide variety of cases, including constitutional, civil and criminal cases. The appeal as of right where the amount involved exceeds $10,000 certainly imposes a great burden on the court.

Clause 5 sets out the criteria with regard to appeal to the Supreme Court of Canada. The first is that the matter must be one of public importance or, second;

> ... the importance of any issue of law or any issue of mixed law and fact involved in such question, one that ought to be decided by the Supreme Court or is, for any other reason, of such a nature or significance as to warrant decision by it, and leave to appeal from such judgment is accordingly granted by the Supreme Court.

I think it has been shown there are two ways in which to appeal to the Supreme Court at this time. One is that if the case involves an amount over $10,000 there is an appeal as of right, and the other is if the amount involved is less than $10,000 and there is a question of law or mixed law and fact, if leave to appeal is applied for it is granted in some cases. Again this results in many appeals.

I wish to direct the attention of the Minister of Justice to the experience in the United States Supreme Court where, I understand, about 4,500 cases a year are heard in