

Mr. NICHOLSON: If Government-owned and controlled railways are to be made a pure matter of parish politics, then I have grave doubts as to the success that we shall ever attain in the operation of such railways; and if it is any consolation to the Minister of Railways to know it, I would like to say to him that here is one member of the Commons that is going to stand behind him rigidly in following the policy of his predecessor and turning an absolutely deaf ear to those who would subjugate a great national undertaking to a simple basis of political grab, which is what many members of this House, representing different parts of the country, apparently desire to do with Government-owned railways.

Amendment negatived, Bill read third time.

DOMINION LANDS ACT AMENDMENT.

On motion of Hon. Arthur Meighen (Minister of the Interior), Bill No. 5, to amend the Dominion Lands Act, was read third time.

SUPREME COURT ACT AMENDMENT.

PROVISION FOR APPOINTMENT OF A JUDGE AD HOC.

On motion of Hon. C. J. Doherty (Minister of Justice), Bill No. 27, to amend the Supreme Court Act, was read the second time and the House went into Committee thereon, Mr. Boivin in the Chair.

On section 1—Appointment of ad hoc judge; Quebec appeals; evidence of appointment; duties; compensation; delivery of judgment.

Mr. DOHERTY: I desire to move to amend section 1, not with any desire of materially altering the nature of the Bill, but merely for the purpose of modifying the procedure by which the particular judge who is to serve may be designated.

The proposed amendment would provide that in the cases where the Exchequer Court judge is not available the Chief Justice of the Supreme Court, instead of directly himself designating a particular judge who would be called in, would request of the Chief Justice of any of the provinces to designate one of the judges of the High or Superior Court in his province. I suggest this amendment because it has been pointed out to me that it was not desirable, that it might, perhaps, even be considered not to be absolutely courteous to the Chief Justices of the provinces for the Chief Justice of the Supreme Court directly to intervene and select the judge who should act. In the

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second place, it has also been pointed out, and with considerable force, that the Chief Justice of the province from whose court the judge is to be taken is in better position to determine what judge is most available in the existing condition of business of the court in the province. The modified section will have the further advantage of proceeding, say, in the same manner as is provided in some of the provinces, if not in all, for analogous cases where it is necessary to have a judge ad hoc to sit in the Court of Appeal of the province. In the province of Quebec, for instance, where there is occasion, similar to the occasion foreseen here, to call for a judge to sit ad hoc in the Court of Appeals, the Chief Justice of the Court of Appeals addresses himself to the Chief Justice of the Superior Court, who, in consultation with his judges, designates the one who is to act. I think that the reasons which I have outlined, and to which my attention has been called, are sufficient to make clear that the amendment which I am about to propose would be an improvement over the system which the section originally in the Bill as introduced proposed to adopt. I beg, therefore, to move, Mr. Chairman:

That subsection (1) of Section 1 be amended by adding at the end of the subsection the words "to be designed in writing by the Chief Justice of such provincial court upon such request being made to him in writing."

That amendment will necessitate some further modifications in the balance of the section, and we might as well deal with them all at once. There is one other amendment which does not turn upon them, which I desire also to move, and it is:

That sub-section (2) be amended by striking out the designation of numeral (2) and inserting the words "provided always that."

It will then read:

Provided always that unless two of the judges of the Supreme Court available fulfil the requirements of Section 6.

And so on.

Mr. BUREAU: Those words will be inserted at the beginning of subsection (2) before the word "unless"?

Mr. DOHERTY: Instead of section (2) we will have a proviso to the first subsection. I desire further to amend it by substituting in the second line of the subsection, before the words "ad hoc," the word "the," instead of "an."

Mr. BUREAU: Striking out the words "ad hoc?"

Mr. DOHERTY: No, but substituting the definite article "the" for "an." I wish