

*Chief Justice of Canada*

tainly they will do their best if they are appointed while still in the prime of life, instead of waiting until they are sixty or what not. That will not bar the hon. member for Brantford City (Mr. Macdonald), in connection with whom I made a prediction last year. The hon. member for Hull (Mr. Fournier) has already been given his reward, which is of the very highest category, as I also predicted. But I am serious in what I have to say with respect to the appointment of members of our judiciary. Give the younger men a chance; they will grow in stature day by day and will become greater judges. I offer these remarks to the Minister of Justice in the best of good spirit, and I hope he will give consideration to them. In the meantime I should like to know what is the position with respect to Sir Lyman Duff.

Mr. M. J. COLDWELL (Rosetown-Biggar): I should like to support the former leader of the opposition, the hon. member for York-Sunbury (Mr. Hanson), in the point of view which he has taken. I believe the matter should be reconsidered. I was here when the original bill was introduced in 1939, when the present chief justice had attained the age of seventy-five. At that time parliament saw fit to continue him in that position for another three years. Consequently the chief justice is now that much older, and the present bill extends his term for another year.

I know there are exceptional cases in which men who have long since passed the allotted span of life are able to render signal service in the field in which they serve, but under the circumstances what the previous speaker said is relevant to the case. I do not believe the people of Canada would desire or approve an extension when there are so many able and capable younger men who could fill the position adequately. I have heard criticisms, not so much of Supreme Court of Canada as of other courts, because aged judges have been unable to pay concentrated attention to the arguments presented. On one or two occasions on which I have had the opportunity of following cases before some judges I have noticed that, particularly toward late afternoon, the aged justice did not seem to hear what was being said, if I may put it in that way. Consequently, when judges are interpreting law which may have an effect not only in the present but may create precedents for the future, parliament should endeavour to have on the bench men in the prime of physical and intellectual life.

I rise to support the plea that this bill be not proceeded with—not because I have any personal criticism of the present Chief Jus-

[Mr. R. B. Hanson.]

tice of Canada, but rather because I think it is in the public interest that parliament should not consent to this proposal and create another precedent. I may say that those of us who followed with great interest the recent history of the United States noticed how the supreme court of that country blocked progressive measures for some time until in his wisdom, and exercising his powers, the President of that country appointed a group of younger and more progressive men, with most beneficial results to the great republic to the south. When a man has reached the age of seventy-eight, as in this case, the government ought not to ask one so far advanced in the eventide of life to continue in a position which I imagine is, in one sense, arduous physically, and certainly intellectually. In view of the fact that younger men are available who have had experience on the various benches of the country, instead of approving this proposal the government should reconsider the bill and make an effort to appoint a younger person to this, one of the most important positions in the country.

Mr. J. H. BLACKMORE (Lethbridge): I have not been able to determine by any process of reflection why this bill is brought in. I will grant that this gentleman may have done his work exceedingly well and merited the gratitude of the country, but a singular exception is being made in this case. When no apparent reason exists why such a thing should be done, I become suspicious. I may say, Mr. Speaker, that I am going to oppose the bill.

Mr. T. L. CHURCH (Broadview): Mr. Speaker, the principle of this bill has been before the house during discussion of the justice estimates for the past ten years. I have no particular objection to extending the term of the chief justice for another year, but I want to point out one important principle. This bill applies to a gentleman who is one of the greatest jurists in our history, a very able judge who has performed his legal duties excellently. But I should like to refer to a bill which has been before the house for the last ten years, to amend the Judges' Act, as to judges serving on political commissions. One section of that bill provides that judges shall not be allowed to sit on various political commissions appointed by municipalities, by provinces and by the dominion. As I have pointed out to the present hon. and learned attorney general and to his predecessors for the last ten years, the taking of judges from their judicial duties to serve on these commissions has seriously interfered with the admin-