

are just set aside, and sometimes not one civil case is heard before a jury. We have also non-jury sittings in November, March and May, and sometimes 20 out of 350 or 400 cases are disposed of. People have to wait.

The Canadian Bar Association at their last meeting discussed this situation, and said it was an acute problem. Perhaps 50 per cent of the cases on the lists are automobile accident cases. Some day—and I know that many law firms do not look favourably upon this suggestion—a commission will have to be appointed to hear automobile accident cases in order that they may be disposed of instead of being adjourned time after time. I am not responsible for what happens in our local Bar, but the members know that I have advocated this for years.

A few months ago a questionnaire was sent to each member, and I answered all the questions in the affirmative. One question asked was whether we should request that at least three Supreme Court of Ontario judges should reside in the Ottawa district and sit at Ottawa, with an outside judge also holding sittings here at regular intervals. One of the other suggestions was that a request be made that the Court of Appeal sit in Ottawa on a regular basis. I noted my agreement with both of those suggestions, and I hope that for the sake of the administration of justice in this county something will be done along those lines.

I know it is a matter for the attorney-general of each province. There is an old saying to the effect that he who pays the piper calls the tune. We pay the judges' salaries in our province—the salaries of the county court judges as well as those of the Supreme Court judges—and, honourable senators, we cannot sit by and say, "Well, next year we will appoint two more county court judges and three more Supreme Court judges in this province." That is not enough. We shall never meet the situation that exists by doing that.

I am making this suggestion not only to honourable senators but to my good friend, the honourable Leader of the Senate (Hon. Mr. Connolly, Ottawa West). We went to school together, as all honourable senators know, and we are good friends, but I do not want these remarks of mine to be merely placed on *Hansard* and then forgotten. I am making an honest and sincere suggestion, and I ask the honourable Leader of the Senate to bring this to the attention of the Minister of Justice, and to ask him to convene a meeting of the attorneys-general of all provinces with the idea of alleviating this problem.

Hon. Arthur W. Roebuck: Honourable senators, I thoroughly agree with the honourable senator who has just spoken (Hon. Mr. Choquette) as to the necessity and desir-

ability of prompt decision in litigation, but that is not our function. We appoint the judges, it is true, but the administration of justice is in the hands of the provinces. When I took office as attorney-general of the Province of Ontario in 1934—that is some years ago now—there were, as my honourable friend has explained is the case today, quite a large number of cases that had been heard but in which judgment had been deferred. I appeared as counsel for the plaintiff in a case that had been heard at least two years prior to my taking office, so I knew from personal experience what was going on. I called the Chief Justice of Ontario before me and told him that unless this mess was cleaned up in very short order I would introduce legislation before the provincial Legislature giving the litigants the right of appeal to the court of appeal upon the evidence, without the necessity of having the judge decide the case. The Chief Justice appealed to me, asking that I not do that. I undertook to hold my hand if the situation was cleaned up, and it was. It was cleaned up within a few weeks, with one or two exceptions. The case in which I had appeared, and of which I had personal knowledge, was not concluded because the judge was sick, and he very shortly afterwards died. Judgment in that case was never issued.

The fact is that except by previous consultation, or something of that kind, the Federal Government is powerless in these matters. I agree with the honourable Senator Choquette that the appointment of more and more judges is not the answer. The answer lies in the hands of the provincial attorneys-general. I cleaned the situation up, and there is no reason why the next attorney-general should not be able to do the same thing.

I should like to know where these county court judges are being appointed. In what counties will they sit, or in what counties will they sit as junior judges? I should like to know too who has made the recommendation for these appointments, and upon what grounds. We are going to have to pass this legislation immediately, I suppose, because of the situation presently facing us, but I join hands with the acting Leader of the Opposition (Hon. Mr. Choquette) in taking a firm stand with respect to this matter. We should not appoint more and more judges without some very good reason being explained to us as to why we should do so, and why judgments in some cases are so long delayed.

I am not a solicitor of the Province of Quebec, but I have heard for many years about the backlog of cases in that province