

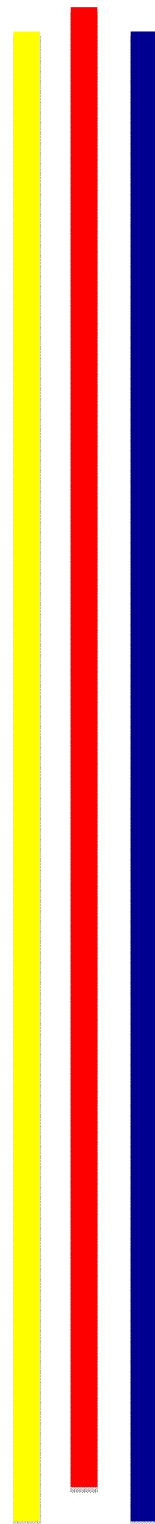
**SPECIAL SERIES ON
THE FEDERAL DIMENSIONS OF
REFORMING THE SUPREME
COURT OF CANADA**

**The Supreme Court of Canada: A Chronology of
Change**

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21 May 1869
Bill for creation of a Supreme Court is withdrawn

Intent on there being a final court of appeal in Canada following the country's inception in 1867, John A. Macdonald, along with statesmen Téléphore Fournier, Alexander Mackenzie and Edward Blake propose a bill to establish the *Supreme Court of Canada*. However, the bill is withdrawn due to staunch support for the existing system under which disappointed litigants could appeal the decisions of Canadian courts to the Judicial Committee of the Privy Council (JCPC) sitting in London.

18 March 1870
Second bill for creation of a Supreme Court is withdrawn

A second attempt at establishing a final court of appeal is again thwarted by traditionalists and Conservative members of Parliament from Quebec, although this time the bill passed first reading in the House.

8 April 1875
Third bill for creation of a Supreme Court passes

The third attempt is successful, thanks largely to the efforts of the same leaders - John A. Macdonald, Téléphore Fournier, Alexander Mackenzie and Edward Blake. Governor General Sir O'Grady Haly gives the *Supreme Court Act* royal assent on September 17th.

30 September 1875
The first five puisne justices are appointed to the Court

The Honourable William Johnstone Ritchie, Samuel Henry Strong, Jean-Thomas Taschereau, Téléphore Fournier, and William Alexander Henry are appointed puisne judges to the Supreme Court of Canada.

6 October 1875
Memorandum to prohibit appeals to the Privy Council fails

Minister of Justice Edward Blake drafts and sends a memorandum to Prime Minister Mackenzie suggesting that the Parliament of Canada, as the governing body of the new Dominion of Canada, should have the ability to abolish all appeals from Canadian courts to the JCPC. Mackenzie forwards the memorandum to the Colonial Office, which ultimately rejects it.

8 October 1875
The first chief justice is appointed to the Court

Governor General Haly administers the oath of office to the first chief justice, the Honourable William Buell Richards. The first registrar (responsible for all administrative work in the Court), Robert Cassels, is gazetted on October 9th. The other five puisne justices are sworn into office on November 8th, and arrangements for the functioning of the court commence.

18 November 1875
Supreme Court's Inauguration

The *Supreme Court of Canada* is inaugurated at a state dinner.

11 January 1876
SCC judicial functions take effect

The judicial functions of the court are officially proclaimed into force.

17 January 1876
Supreme Court sits for the first time

The inaugural sitting of the SCC takes place. However, no cases are heard, and the sitting is adjourned. The court transcript reads: "There being no business to dispose of, the Court rose" – not the most auspicious start.

1877
Right of appeal to the Judicial Committee is restricted

The JCPC refuses leave to appeal from the Supreme Court in cases dealing with small sums of money (*Johnston v. St. Andrews*), 1877.

1878
Bill amending the rules of the court is ultimately dropped

The government proposes to increase the number of court terms from two to four, as well as to apply a monetary minimum to appeals from the Maritime Provinces, but eventually abandons the initiative.

21 April 1879
Bill moving for abolishment of the court is ultimately defeated

Joseph Keeler, Conservative member for Northumberland East, Ontario, introduces a bill to abolish the Supreme Court and the Exchequer Court (a court of equity modelled after that of the same name operating in the United Kingdom, and which at the time held jurisdiction primarily over tax issues, but would eventually become the Federal Court of Canada and hear judicial reviews from federal agencies). The proposal is defeated.

February 1880
A second bill for abolishment of the court is defeated

Joseph Keeler introduces a second bill to abolish the Supreme Court, which is again defeated.

December 1880
A third bill for abolishment of the court is defeated

Joseph Keeler introduces a third bill to abolish the Supreme Court. Following his death in January 1881, the bill is picked up by Phillipe Landry, Conservative member for Montmagny, Quebec, but it is rejected again.

1880
Power to order a new trial is established.

The Court makes several procedural changes, including the addition of the power to order a new trial.

1881
*Amendment to publication
procedure of Supreme Court
Reports*

The government authorizes the court reporter, Georges Duval, to submit his personal notes of case decisions to the major law journals (under the pretext that such notes lack legal authority).

7 February 1881
*Measure for limiting Court
jurisdiction fails*

Désiré Girouard, MP and member of the Montreal Bar, introduces into the House of Commons a measure to limit the appellate jurisdiction of the court by abolishing its jurisdiction over provincial law in all matters: a) relating to property and civil rights, b) of a local or private nature, and c) coming within the exclusive jurisdiction of the provinces. However, the measure is ultimately defeated.

1882
*The Court takes new
accommodations*

The Macdonald government refurbishes a two-storey building at the foot of Parliament Hill for the SCC to allow the court to move out of the Railway Committee Room in the Parliament buildings.

12 April 1882
*A fourth and final bill to
abolish the Court is defeated*

Phillipe Landry, Conservative member for Montmagny, introduces a fourth bill proposing the abolition of the court. The bill is given first reading on April 12th, but is not heard of again, and marks the final attempt of its kind.

1882
*Suggestion to eliminate
certain Quebec appeals is
made*

Justice H.-E. Taschereau suggests to Prime Minister John A. Macdonald that appeals from Quebec courts should cease in all but criminal, constitutional and election law cases, but the suggestion is not adopted.

1883
*Right of appeal to the Judicial
Committee is further
restricted*

The JCPC declares that appeals will only be permitted in cases involving substantial sums of money and/or matters of grave legal or public interest, thus making the decision of the SCC final in cases regarding lesser matters.

1883
*Resolution passed to protect
Court's appellate jurisdiction*

The (largely English-speaking) Montreal Bar passes a resolution condemning any reduction of the court's appellate jurisdiction.

1883-1886
*Measure for limiting Court
jurisdiction fails*

Auguste Landry re-introduces Girouard's proposal of 1881 each year in an attempt to limit the court's jurisdiction, only to have the proposal fail each time.

Late 1885

Additions to the Court staff are made

In an attempt to improve the expediency of the Supreme Court Reports, an assistant reporter, C.H. Masters, is added to the court's staff to work in conjunction with Duval, and a separate clerk is hired to work for the justices directly.

1887

Supreme and Exchequer courts severed

In an attempt to free-up time and effort for the SCC, which was sharing its staff with the Exchequer Court, Henry Strong's recommendation of severing the two legal entities is adopted.

1887

SCC Registrar authority increased

The Supreme Court Registrar receives permission to sit as a judge in chambers, thus granting the position of Registrar with the authority to hear motions and issue minor orders.

1888

Appeal to the Privy Council in criminal cases is abolished

John Thompson, Minister of Justice, brings a measure to abolish appeals to the Privy Council in criminal cases. The measure is adopted in legislative form by the Parliament of Canada.

1888

Court appointment moves away from strict regional representation

Sir John A. Macdonald alters the system of appointments to the court, which adhered to strict regional representation, by replacing the deceased Justice Henry with Christopher Patterson of the Ontario Court of Appeal rather than an expected nominee from the Maritime Provinces.

1890-91

Amendments to the Supreme Court Act and Reference procedure expansion suggested

Amendments to the *Supreme Court Act* are suggested: 1) the right of appeal to the Judicial Committee be made explicit; 2) justices be required to give reasons for judgments; and 3) provision be made for the representation of different interests before the justices in the hearings. Also, Edward Blake proposes an expanded use of the reference procedure to offset the federal government's use of its power to disallow provincial legislation. The changes reinforce the court's image as an impartial institution.

1892

First Criminal Code of Canada is passed; SCC jurisdiction in criminal matters further restricted

Between 1876 and 1892, the SCC's jurisdiction over criminal matters becomes increasingly restricted by various laws. In 1892, the government drafts and Parliament passes Canada's first Criminal Code. Sections 742 and 743 of the Code restrict the range of allowable appeals from the provincial appeal courts to the SCC.

1895
*Judicial Committee
Amendment Act is passed*

The *Judicial Committee Amendment Act, 1895* is brought into effect and allows the monarch to summon a limited number of colonial justices to the Imperial Privy Council. The justices would sit on the JCPC.

1895
*Judicial Committee gains
Canadian representation*

The British government reforms Canadian representation on the JCPC. Until 1954, it would consist of at least one Canadian, with every chief justice of Canada receiving an appointment.

1896
*Bill to reduce minimum
quorum size becomes law*

The Conservative government introduces a bill to allow the court quorum to consist of only four judges in cases of temporary absence or incapacitation, should the parties to the case consent to it. The bill is adopted.

1902
*Bill to reduce SCC's
provincial law jurisdiction
fails*

Liberal member L.-P. Demers introduces a bill to end the SCC's jurisdiction over provincial law. After the bill's rejection, he introduced it again in 1903, only to have it fail once more.

1903
*Railway reference procedure
installed*

The *Railway Act* empowers the Board of Railway Commissioners to utilize a reference system by which it can refer any question of law to the SCC.

1904
Supreme Court Act revision

E.R. Cameron, registrar of the Statute Revising Commission, revises the *Supreme Court Act* in an attempt to eliminate problems regarding the court's jurisdiction. The proposed changes are circulated to the bar associations and attorneys-general for comment, and the final draft is then approved by Parliament.

1905
*Shift in responsibility over the
Supreme Court Reports*

In an attempt to alleviate delays in the production of the judgements of the court, responsibility over the printing and production of the Supreme Court Reports is given to a private publishing firm.

1907
*New rules regarding
jurisdiction are adopted to
increase court efficiency*

E.R. Cameron and Chief Justice Fitzpatrick create a new set of rules stating that every appeal to the court requires an order from a judge of the SCC in chambers confirming jurisdiction. The purpose is to eliminate the time spent by the court deciding whether in fact it can hear the appeal.

1907

Court-room limits are established to increase trial succinctness

The number of counsel to be heard by the court for each side is limited to two, while the amount of time for argument is also limited - to three hours.

1907

New monetary rules regarding provincial appeals to the Court

E.R. Cameron proposes monetary minima of the amount in controversy for appeals from every province and territory. The change is made in an effort to alleviate frivolous appeals and increase court efficiency.

1908

Staff addition

A French-language stenographer is appointed to the court's staff.

April 1908

Resolution for the abolition of the appeal as of right is dropped

J.J. Foy, Attorney General, introduces a resolution to the Ontario legislature calling for the appeal as of right to the JCPC to be abolished. The resolution in large part is a response by the Ontario government to public opinion hostile to the *Street Railway* (1901) decision, but it was ultimately dropped in 1909.

1910

Proposed change to Court structure ignored

Frank Anglin, SCC justice, proposes legislation to allow the appointment of *ad hoc* judges to the court, but finds that there is no interest in the idea.

1917

Debate over the role of the SCC continues

A bill to remove disputes involving property, civil rights, or local matters of provincial jurisdiction from the court's jurisdiction is introduced in the Senate and defeated.

1918

Approved appointment of ad hoc judges

Parliament approves a measure to allow the appointment of *ad hoc* judges from either the Exchequer Court or the provincial superior courts to the SCC.

1919

Commerce reference procedure installed

The *Board of Commerce Act* empowers the Board of Commerce to utilize a reference system by which it can refer any question of law 'in a stated case' to the SCC.

1920

Shift in responsibility over the Supreme Court Reports and growth in circulation

Responsibility over the printing and production of the Supreme Court Reports is assumed by the government, which proceeds to make the Reports available on a mass-subscription basis.

13 May 1920
*Proposition to abolish
appeals from Ontario is
withdrawn*

William Edgar Raney, Attorney General of Ontario, brings forth a proposition for the abolition of any and all appeals from Ontario courts to the JCPC. Although the bill was born of the idea of national self-government, it was opposed by the Canada Law Journal, the Law Society of Upper Canada, and the Ontario Bar Association, and ultimately withdrawn.

June 1922
*Proposition to alter appeals is
again withdrawn*

William Edgar Raney introduces a second bill, this time to alter the appeal process by requiring that all appeals are first made to the SCC, from which leave to appeal to the JCPC can then be granted. The Law Society of Upper Canada opposes the proposal, and the bill is withdrawn.

1922
*Supreme Court Act
amendment*

An amendment to the *Supreme Court Act* is made which permits appeals of provincial references to the SCC from the provincial courts of appeal.

1923
*Court Reports combine into
an all-Canada report series*

The reports of the SCC and Exchequer Court are combined into the 'Canadian Law Reports' series.

1926
*Federal appeal statute
quashed*

In *Rex v. Nadan*, the JCPC strikes down the 1888 federal statute barring appeals to the Privy Council in criminal cases, considering it to be *ultra vires* of Canada's authority and therefore invalid. The board says Parliament's jurisdiction does not extend beyond the Dominion itself, and thus it cannot abolish appeals from Canadian courts to the board.

1926
*Memorandum supporting the
termination of appeals to the
Judicial Committee*

Chief Justice Anglin sends a memorandum to Prime Minister King to the effect that, as a self-governing and independent nation, Canada's litigation should be settled on Canadian soil.

1926-29
*Proposal for the
centralization of provincial
law reports publication fails*

E.R. Cameron, Court registrar, travels to various provincial bar associations, as well as the annual conventions of the Canadian Bar association, advocating his proposal to centralize the publication of all provincial law reports under the editorship of the court staff in Ottawa. His proposal, however, is not adopted.

1927
Amendments to the Supreme Court Act

Two amendments are made to the *Supreme Court Act*: 1) the number of permanent members of the court is increased to seven; 2) retirement of members of the court becomes mandatory at age seventy-five (applied retroactively).

1930
Proposal to ease provincial alienation fails

The editor of the *Manitoba Bar News* suggests that the SCC travel to various provincial capitals on an annual basis, (i.e. go ‘on circuit’). The idea is to combat the sense of an ungeographically representative court, widely felt at the time. The proposal is reiterated a few years later by P.G. Thomson, an Edmonton solicitor, who suggests that the court hold a sitting once a year in each of the four western provinces. The proposal is rejected.

1931
Statute of Westminster is enacted

The *Statute of Westminster* is passed, granting Canada full legislative authority while still allowing cases from the SCC to be appealed to the JCPC.

1933
S.1025 of Criminal Code re-enacted

The Bennett government re-enacts s.1025 of the *Criminal Code* – rendered invalid in the *Nadan* case – once again ending appeals to the JCPC in criminal cases. The validity of the legislation is challenged in *British Coal Corp. v. The King*, 1935, yet now sustained by the JCPC in the light of the *Statute of Westminster*.

1938-1939
Bills to abolish appeals to London fail

Charles Cahan, a Quebec lawyer, brings a bill to abolish appeals to the JCPC in London before the House of Commons in both 1938 and 1939, but to no avail, despite considerable parliamentary support.

May 1939
Government conducts lone instance of retirement waiver

The government waives the compulsory retirement of Chief Justice Sir Lyman Duff and extends his term for a further three years. Chief Justice Duff would receive a second extension in 1943 before finally retiring on January 7th, 1944, having served thirty-seven years and three months on the bench, the longest tenure of any SCC justice to date. It is the only retirement waiver in the history of the court.

January 1940
SCC declares Ottawa’s authority to abolish appeals to London

A panel of the SCC hands down a majority decision declaring that legislation to abolish appeals to the JCPC is *intra vires*. The issue had been argued by counsel representing the attorneys-general of Canada before the panel in June of 1939, and the proposed bill would make the SCC the ultimate judicial tribunal for all Canadian cases.

13 January 1947
*Judicial Committee confirms
Parliamentary authority to
introduce appeal termination
bill*

The JCPC renders judgement confirming the power of Ottawa to end appeals to London and to make the judgements of the Supreme Court of Canada final and conclusive.

1948
Call for law clerks rejected

Justice Locke puts forward the idea of appointing law clerks to serve each of the justices of the SCC to carry out background research on the cases being considered by the court. The proposal was aimed at improving the quality of the court's work, but was ultimately rejected by the St. Laurent government.

February 1948
*Meeting of the Minds
considers possible changes to
SCC*

F.P. Varcoe, Deputy Minister of Justice, and G.H. Steer, Edmonton lawyer, organize a meeting of leading lawyers from all ten provinces, as well as representatives from the provincial law societies and the Canadian Bar Association, in Ottawa to discuss SCC policies and problems. Among the changes suggested are: 1) expanding the bench to nine members, with no even-numbered panels sitting, 2) raising the salaries of the judges, 3) having the Court sit only in Ottawa rather than on circuit, and 4) removing any mention of *stare decisis* from the *Supreme Court Act*. However, the proposals took some time to reach fruition.

1948
*Liberal convention favours
appeal termination*

Prime Minister Mackenzie King defers the issue of abolishing appeals to the JCPC to an upcoming Liberal convention (August 1948), during which a resolution favouring termination is adopted.

23 December 1949
*SCC is declared the final
Court of Appeal*

Legislation to abolish appeals to the JCPC in London is reintroduced in Parliament and passes, giving the SCC 'exclusive ultimate appellate civil and criminal jurisdiction,' making its judgments 'in all cases, final and conclusive'. The legislation receives royal assent on December 10th, and comes into force on December 23rd.

1949
*Call for a transfer of a
Quebec seat rejected*

An attempt is made to persuade the government that one of the court's Quebec seats should be reassigned to a representative of the English-speaking community, but to no avail.

1949

Suggestion made to have SCC constitutionally enshrined fails

The Barristers' Society of New Brunswick and the Law Society of British Columbia put forth parallel resolutions to expand section 101 of the *British North America Act, 1867* in order to include the *Supreme Court Act*, thereby removing the court from the legislative control of Parliament and constitutionalizing its status. However, the resolutions fail.

23 December 1949

SCC bench increased to nine members

Legislation is passed adding two new puisne justices, one of whom must come from the bar of Quebec, thus bringing the total number on the court to nine, a third consisting of civil law jurists. A larger bench was deemed necessary in order to avoid the frequent use of *ad hoc* justices throughout the 1930s and 1940s to cope with the increased case load, and to permit civil cases to be heard by a majority panel trained in that legal tradition.

1949

Appellant access to SCC expands

SCC jurisdiction is expanded when clauses of the *Supreme Court Act* are modified in order to enable the court to grant leave to appeal from judgments of the highest provincial courts in areas in which appeals previously could only be made directly to the JCPC. Authority to grant leave to appeal *in forma pauperis* was also bestowed upon the SCC.

1953

Second call for law clerks rejected

Justice Locke reasserts his proposal to appoint law clerks to the SCC, and is again denied by the St. Laurent government.

1950s

Quebec calls for SCC reform are largely ignored

The Tremblay Report expresses lobbies for three major changes to the SCC: 1) that the court's jurisdiction and appointment process be entrenched in the *British North America Act, 1867*, 2) that the court should not deal with all legal disputes throughout Canada via appeal, but rather should be a court of supervision of the provincial appeal courts, and jurisdiction of the SCC should be limited to federal matters (but failing that, a five-justice panel consisting of three justices legally trained in Quebec should be required to hear any civil-law cases, with a unanimous decision among the Quebec justices required to reverse a decision of the highest Quebec court), and 3) that there be greater provincial influence over the appointment process or the court divert constitutional issues to a separate tribunal designed specifically for such a purpose. However, the report is not widely distributed and has no immediate impact upon the SCC.

10 August 1960
Parliament passes the
Canadian Bill of Rights

Passage of the Canadian Bill of Rights potentially alters the role of the court, theoretically obligating it to question the validity of legislation based on notions of civil liberty, and to apply the entirety of Canada's laws in such a way as not to infringe upon the rights and freedoms guaranteed by the new statute. However, the bill is not entrenched in the constitution and only applies to federal laws. As a result, the court is very hesitant to apply the bill to strike down other legislation as it is merely a statute. The only successful application of the Bill of Rights to federal legislation occurs ten years later in the *Queen v. Drybones* (1969).

1968
Government appoints law
clerks to the Court

Nine law clerks are assigned to the SCC to assist the judges, whose workload is now extensive.

23 March 1970
First non-Christian appointed
to the bench

Pierre Trudeau's Liberal government appoints Bora Laskin to the bench of the SCC. Laskin, a Jew, is the court's first ever non-Christian justice.

1970
Civil appeal access to SCC
limited

An amendment is made to the *Supreme Court Act* preventing civil appeals from being brought before the Court *by right* in cases involving questions of fact alone. John Turner, Minister of Justice, brings forth the bill in an effort to prevent cases with little legal significance from consuming the court's time.

1971
Increased provincial
participation in SCC
appointments

At the Victoria constitutional conference, the federal government agrees to make appointments to the SCC subject to provincial scrutiny. However, no formal agreement is reached and the *Victoria Charter* itself is not ratified. Thus appointments to the SCC continue to be made solely by the federal government.

1973
Second call for a transfer of a
Quebec seat rejected

Douglas Abbott meets with Otto Lang, Minister of Justice, in another attempt to persuade the government that one of the court's Quebec seats should be reassigned to a representative of the English-speaking community. The idea is once again rejected.

Early 1975
The Court's jurisdiction over civil appeals is expanded

An amendment is made to the *Supreme Court Act* preventing appeals being brought before the Court *by right* (with the exception of criminal trials where there is a dissent in the Court of Appeal). Leave to appeal is only to be granted in a case that the SCC determines to involve an issue of 'public importance' or legal significance, or is "for any other reason, of such a nature or significance as to warrant decision by it," thereby granting the court the ability to determine its own docket. The amendment is the result of another bill brought forth by John Turner, Minister of Justice, in a further effort to reduce the Court's workload.

17 April 1982
The Canadian Charter of Rights and Freedoms takes effect and imposes a policy-making role upon the SCC

Her Majesty Queen Elizabeth II proclaims the *Constitution Act, 1982*. The *Canadian Charter of Rights and Freedoms* is adopted under the act, and brings with it a new requirement that the Supreme Court is to oversee any action on the part of the federal and provincial governments which aims to restrict the basic rights and freedoms of Canadians. Such restrictions must be deemed by the court to be both 'reasonable' and 'demonstrably justified in a free and democratic society' in order to be permissible.

1982
Composition of SCC requires provincial consultation under Constitution Act, 1982

The *Constitution Act, 1982*, establishes a formula to amend the composition of the SCC that requires unanimous consent of both the federal Parliament and the provincial legislative assemblies. The court's jurisdiction can be altered with the consent of both the federal Parliament and two-thirds of the legislatures.

30 March 1982
First female judge appointed to the Court

The Honourable Bertha Wilson is appointed as puisne justice, becoming the first woman to hold a seat on the SCC.

1987
Meech Lake Accord fails to constitutionally enshrine the Court

Constitutional entrenchment of the SCC is agreed upon and included in the Meech Lake Constitutional Accord, thereby enhancing the prestige of Canada's final appellate court. The constitutionalization of provincial consultation and the presence on the court's bench of three justices from the province of Quebec is also agreed upon. However, the accord ultimately fails.

28 June 1990
First female registrar appointed to the Court

Anne Roland is appointed as registrar, becoming the first woman to hold that office.

26 October 1992
Charlottetown Accord fails to constitutionally enshrine the Court's appointment process

Constitutional entrenchment of an appointment process to the SCC that mandates provincial consultation is included in the Charlottetown Constitutional Accord as is a requirement that three of the justices be from the province of Quebec. However, Canada ultimately rejects the accord in a national referendum.

13 January 2000
First female chief justice appointed to the Court

Madame Justice Beverley McLachlin is appointed as chief justice, becoming the first woman to hold that position on the SCC.

2004
Justice appointment process is modified to include parliamentary review

Liberal Prime Minister Paul Martin establishes an *ad hoc* parliamentary committee for the purpose of reviewing the nominations to the bench of the SCC, beginning with those of justices Rosalie Abella and Louise Charron. The formation of the committee is intended to promote greater parliamentary consultation and transparency in the SCC appointment process. A more formal Advisory Committee is subsequently instituted, to be put into action each time a position behind the Court's bench becomes available. In each instance, the federal Minister of Justice provides the committee with a list of seven candidates, from which three are chosen by the committee and presented to the Prime Minister for a final choice.

2006
Advisory Committee is given greater access to SCC candidates

Conservative Prime Minister Stephen Harper permits the parliamentary Selection Panel directly to question SCC justice nominee Marshall Rothstein prior to his ascension to the bench, (Rothstein has been selected from the remaining three candidates of the original seven by the committee of the former Liberal government). Previously strictly prohibited from directly questioning candidates, the committee now converses with the Minister of Justice acting on behalf of the nominee(s). The change is an attempt to provide the advisory committee with greater access to SCC judicial nominees. However, this increased access is not to function as a veto power over the Prime Minister's final choice of candidate.

5 September 2008
Advisory Committee
appointment review process is
bypassed

Prime Minister Stephen Harper selects the Honourable Justice Thomas A. Cromwell for appointment to the SCC without the parliamentary Advisory Committee having provided a three-person shortlist. The committee fails to select three nominees from the standard list of seven when two of its scheduled meetings are cancelled due to the refusal to participate by all three opposition Members of Parliament. Prime Minister Harper also declares that Justice Cromwell will not be officially appointed to the bench until he has been questioned by an *ad hoc* House of Commons committee. The questioning never actually occurs, however, and Cromwell takes his seat on the court anyway.