

that calls for careful consideration, and might very properly form the subject matter of a measure dealing professedly with it. The Bill itself provided for a new judge in Saskatchewan in view of certain provincial legislation; it dealt with the income tax of the present Chief Justice; and made certain provision with regard to the travelling allowances of judges resident in the province of New Brunswick. This amendment introduces an absolutely different matter, and presented to the House in its present form, it affords, it seems to me, no opportunity of dealing with this important question upon its merits, and giving it the consideration to which it is entitled. I feel, therefore, that this House should not concur in that particular amendment.

There is another amendment made to paragraph three to meet the case of the judge resident at Moncton, in New Brunswick. It has been made perfectly clear, by representations of the Attorney General of the province and numerous others interested who would have been affected by the change provided in the Bill, that it is essential for the proper carrying on of public business that there should be a judge resident at Moncton, and that, in consequence, an exception should be made to the general provision with regard to travelling allowances. With regard to that amendment I desire that this House should concur in it. With regard to the other proposed amendment I would respectfully submit that this House should not concur in it. I beg therefore to move:

That this House do concur in the amendments made by the Senate to Section 3 of the present Bill.

Mr. COPP: The amendment to section 3 has reference to the judge living in the city of Moncton?

Mr. DOHERTY: Yes.

Motion agreed to.

Mr. DOHERTY: I now move that the other amendments be not concurred in.

Mr. DEPUTY SPEAKER: There should be reasons given to the Senate for non-concurrence in these amendments and these reasons should be included in the motion.

Mr. LEMIEUX: Before the hon. gentleman proceeds, I wish to ascertain if I am right in my impression that when the Judges Act was amended a year or so ago, the judges were obliged to act as commissioners or investigators, but without any special fees? If that is so I have no objection to this proceeding.

[Mr. Doherty.]

Mr. DOHERTY: The hon. gentleman states correctly the present condition of the law.

Mr. FIELDING: Will my hon. friend permit me—is that quite correct? I do not think an amendment was made to the effect that the said judges were obliged to act on commissions. What we did say was that if they did act on commissions they were not to get public money. I do not think the amendment said they were obliged to act on commissions.

Mr. DOHERTY: If my memory serves me the provision was that judges would be obliged to serve on commissions, where they were requested so to do by the Dominion or provincial governments, and to do so without remuneration. It will be obvious, if no such provision was made but merely a provision that they were entitled to no remuneration, that, if it be desirable in the public interest that they should serve, either this Government or a provincial government might find itself in great difficulty in assuring themselves of the services of judges for the purposes of such commissions. I have not the text of the Act before me but I do not think I am mistaken.

Mr. FIELDING: The hon. gentleman is probably correct.

Mr. DOHERTY: I beg to move:

That this House do not agree to the amendments made by the Senate as ss. 4 and 5 of Bill No. 60, An Act to Amend the Judges Act, for the following reasons: because the said amendments (a) deal with matters entirely unconnected with the Bill; (b) bring the questions therein treated before the House in a manner which does not afford proper discussion, and (c) should form the subject matter of a separate measure.

Mr. MOWAT: I understand that the House cannot express its opinion one way or the other as to the advisability of these amendments. In reality the present motion is in the nature of an appeal to the Senate not to insist on their amendments so that the matter can be properly brought up. I would not like to see the House object to the substance of the amendments by the Senate, because I think the time has come when something of this kind is necessary. There are many judges in the land who would like to see such a clause passed, because they think when they are being called upon by the Dominion or the Provincial Governments to act as commissioners it very often detracts from their usefulness and importance as judges.