

enjoyed a reputation which any man might envy. What takes place in Montreal today? Judges come in from the country and preside in the Montreal court. That I believe, is a good thing, because some of these judges have told me themselves that if they remained entirely in their own districts, where they had work for only one or two months in the year, they would get rusty in their law. Because it is a good thing for the judges to be occupied and greatly occupied. It is a good thing for them to go to Montreal. What they charge is very little in comparison with the services they render. But when they go to Montreal, do the judges in Montreal work as hard as they should? Altogether for the reasons I have given, I contend—and I call the attention of my hon. friend from North Wellington (Mr. McMullen) to this point—that we are voting \$4,000 a year needlessly. This represents a capital which we are virtually throwing away. My hon. friend (Mr. Casgrain), who has been Attorney General of Quebec, says that we have too many judges. But the judges are badly distributed. Now, I would like some improvements in certain particulars. Take, for instance, the case of election trials. In Ontario, when a judge goes out for an election trial, he gets \$100, whether the case lasts a day or a week. In Quebec, the judge is paid \$6 a day. And these are judges of the very same class and do the same work, and in each case it is in the administration of a federal law. There should not be this invidious distinction to the disadvantage of the Quebec judges. I call the attention of the Solicitor General to this matter. It is an anomaly and should be changed.

The SOLICITOR GENERAL. By whom are these payments to judges made?

Mr. CASGRAIN. By your Government.

Mr. BERGERON. I will give the hon. gentleman an example. A judge in Montreal goes to an election trial in Soulanges and is paid \$6 a day for three days, or \$18. A judge from Toronto goes to Prescott, which is a neighbouring county, and he will sit one day and receive \$100.

The PRIME MINISTER. Where is that law? And who is responsible for it?

Mr. BERGERON. The right hon. Prime Minister said a few moments ago that he was becoming a Conservative. I am afraid he will go too far in that direction. He used to call himself a Reformer; and a man ought to be a reformer when there is something to reform.

The PRIME MINISTER. Show us the law.

Mr. BERGERON. My hon. friend the Solicitor General knows that that is the law.

The PRIME MINISTER. I question the statement, because I cannot conceive that such a law can apply to one province and not apply to the other. If any statute of this Parliament provides that \$100 shall be paid to a judge in one province for holding an election trial it ought to be the same for all the provinces.

Mr. BERGERON. That is what strikes me.

Mr. BRITTON. The hon. gentleman (Mr. Bergeron) is quite right. It appears in chapter 138 of the Revised Statutes, section 13:

There shall be paid to the judges for travelling allowances, the sums following, that is to say:—

In the province of Ontario:

To each of the judges of the High Court of Justice of that province, one hundred dollars for each time he holds any court for the trial of causes, in any county except the county of York and the city of Toronto.

In the province of Quebec:

To each of the judges of the Court of Queen's Bench, and for each term (appeal side and criminal side) attended by him elsewhere than at his place of residence, one hundred dollars.

To each of the judges of the said Court of Queen's Bench, for attending any other court, for each day he is absent from his place of residence, six dollars.

The SOLICITOR GENERAL. The reason for this is quite apparent. In the province of Quebec the trial ought to be held by a judge living in the district. But in Ontario, the judges live in Toronto and have to travel to where the election trial is held. If our judges would do their duty and live in their districts, there would not be any difficulty about this.

Mr. BERGERON. I repeat the argument I used before, which my hon. friend evidently did not hear—that it is a good thing for the judges to go out of their districts and to sit in Montreal and Quebec, and hear cases pleaded by good lawyers. I contend that this difference that I have pointed out in the payment of the judges is an anomaly.

The SOLICITOR GENERAL. There is no anomaly about it.

Mr. BERGERON. Now, there is another question I wish to put. When a judge of the Superior Court in the province of Quebec is called upon to go and sit in the Court of Appeal as they often are, will he be paid \$6 per day in the same way as the judges of the Court of Appeal are to be paid when they travel?

The SOLICITOR GENERAL. I hope he will not be paid at all. He is not entitled to anything. The judges ad hoc should be taken from the districts in which the case is tried.

Mr. CASGRAIN. But the judges in Montreal have all that they can do.