

Mr. DOHERTY: He had leave of absence I think. With regard to one of the occasions I quite recall the facts. Mr. Justice Macaulay was given leave on account of the condition of his health and that leave was prolonged by the fact that on his way home he met with an accident on the train which caused quite a long sojourn in the hospital.

Mr. MACDONALD: We are paying a colossal sum of money for the maintenance of less than 9,000 people in the Yukon. It will be a matter of computation as to how much a head that would be. That is not merely the population of Dawson, but of the whole Yukon Territory. The judge there does what an ordinary police magistrate does in any eastern town for \$800 or \$900 a year, and glad to get it.

Mr. NESBITT: The division court clerk could run it.

Mr. DOHERTY: It would hardly be suggested that it would be desirable that we should have no Superior Court judge in the district. The judge has been called upon to deal with capital cases and some cases of very great magnitude on the civil side. When this Administration came into power there were three judges in the Yukon.

Mr. MACDONALD: But there were very many more people.

Mr. DOHERTY: I think the diminution had practically taken place at the time, because shortly after we came in we felt justified in doing away with two of these judges. We have but one judge, and, at Dawson, he performs the duties of a High Court judge, and also performs the duties of a magistrate sitting at the trial of criminal cases. There was some criticism of the fact that he should occupy the two positions, but still, from reasons of economy, we have thought it well to maintain that condition of affairs. The length of the absence of the judge in one case was certainly due to unavoidable causes. I think the circumstances justify the allowance. I have simply the direction of judicial matters; the total expenditure in connection with the administration of the Yukon Territory is not within my control.

Mr. OLIVER: I do not see any objection to passing this vote. It seems very reasonable that this man, who is performing important duties over and above those that he is ordinarily paid for, should receive some consideration for it. But it is quite obvious, if the Yukon Territory can get along for sixteen and a half months with-

out the presence of a Superior Court judge, the presence of a Superior Court judge during all the time is not necessary.

Mr. DOHERTY: That absence was in two different periods.

Mr. OLIVER: I understand that. I do not wish to criticise the Government adversely as to maintaining a judge of the High Court as well as this gentleman who seems to be considered competent to do the work. They have to face a condition of decreasing population. But decreasing population means decreasing responsibility and decreasing litigation. They are not to be charged with extravagance because they are maintaining a position that existed previously, or as if they had created that condition. They are, to a certain extent, the victim of circumstances. But the conditions being such, the question arises whether the High Court business of the Yukon Territory could not be done by a visiting judge quite as well as by a resident judge when we have there an official who, I presume, in the opinion of the Department of Justice, is competent to carry on the ordinary business of the court. I do not urge that the Government should make any particular changes, but the higher the standard of the judge who is responsible for the decision of cases the better for litigants and everybody concerned. It is not reasonable to expect that you could get the highest class of judge for High Court work in Dawson for \$5,000 a year. It would be more economical and would really give better administration if, in due course, the work of the low-paid resident judge in Dawson were displaced by the work of a proportionately more highly paid judge who could visit Dawson from time to time to attend to the High Court work. Dawson is not inaccessible now; it is as easily reached as almost any other place. It is only a matter of four days from Atlin, where there is judicial work carried on. There is not now the necessity of maintaining a high-class judicial establishment and a full staff in Dawson that there was in times gone by.

Mr. DOHERTY: I think that is quite true, but the opportunity for making that change will only arise to practical advantage when there is a vacancy in the position of judge. The judge is permanently appointed, and if we should make the change now I do not think we would be entitled to refuse to pay him his salary.