

what amount shall be paid to the judges, and closes the door to them receiving any other remuneration in case they are called upon to render other services than sitting on their regular courts. That being so, it became necessary to make an exception of this \$3,000 paid for attending the sittings of judicial committee of the Privy Council.

Section 8 was agreed to.

Sections 9, 10, and 11 were agreed to.

On section 12—judges not to be paid any remuneration for acting on commissions, etc.:

Hon. W. B. ROSS: I am more than pleased to find this section in the Bill, because it has removed what I think was one cause of rapid deterioration in our judicial system. The proviso at the end of subsection 2 is objectionable, but I hope the time is not far distant when we may get free of that. There are judges in Ontario who are paid allowances by the provincial Government. As I have said before—and I am satisfied now that the Department of Justice agrees with me—those payments to judges appointed by the Dominion, and whose salaries are fixed by the Dominion, are *ultra vires*. I think it is highly objectionable that any Dominion judge should have any sum paid to him by any province or any municipality. Now that the judges' salaries are being increased, I hope the provinces will see their way clear to abolishing provincial statutes authorizing that practice, and that they will keep their hands off the Dominion judges in the future, whatever excuse they may have had in the past. However, half a loaf is better than no bread, and this section is well worth the whole of the cost that is going to be thrown upon the country by the increase in judges' salaries. The proper course to follow is to appoint a judge and to fix his salary; the country is then entitled to his whole time. This will put an end to canvassing, or attempted canvassing, for appointments on arbitrations.

Hon. Mr. BELCOURT: Like my honourable friend, I too am grateful for half a loaf; but to me it is only half a loaf; and so long as I have a seat in this House I propose every time that opportunity offers to get the other half of the loaf if it is to be got. I think that this Parliament ought to endeavour at the earliest possible moment to prevent any judge from doing anything beyond sitting in court performing judicial work. We have judges in this province, and some of the highest in the land, who

are seeking appointments as arbitrators every time there is an arbitration in sight, and I have no hesitation in mentioning the Chief Justice of Ontario.

Hon. W. B. ROSS: He is cut out under this.

Hon. Mr. BELCOURT: No, he is not cut out. He could act as an arbitrator, but he could only get his travelling expenses.

Hon. W. B. ROSS: Your point is that he must employ his whole time with judicial duties?

Hon. Mr. BELCOURT: Absolutely.

Hon. W. B. ROSS: And stop serving on commissions.

Hon. Mr. FOWLER: Even without pay.

Hon. Mr. BELCOURT: I think my honourable friend and I are agreed on that point. Judges are appointed to act as judges in court; it was never contemplated that any judge was to act as an arbitrator, either with or without pay.

Hon. Mr. FOWLER: They will not act very long without pay.

Hon. Mr. BELCOURT: I think that Parliament ought to prohibit them acting in that capacity in any way. They are not appointed for that purpose. A judge may think that it is a diversion to leave his court and to sit as chairman of an arbitration, even without pay; but during the time he is sitting on that arbitration his judicial duties are being neglected, and he is not performing the function for which he was appointed.

I am not completely satisfied with this Bill. I have been helping my honourable friend in his move to prevent the judges acting as arbitrators, and I propose to help him in the future; I hope we may stick together in that fight; but if he does not choose to keep on I will keep on by myself. I am not satisfied. Judges have no right to act as arbitrators, executors, or anything but judges.

Hon. W. B. ROSS: I have not changed my mind in the slightest degree since I stated in this House, not only last year but on several other occasions that the ideal condition is to have a judge attend to his judicial duties and to them alone. If we allow judges to leave the Bench to go out and sit on disputes that are not purely judicial, we are in danger of destroying their utility and the confidence which the people have in them. In England, where they have had several hundred