

cial authorities, within whose competence it is to determine the number of judges who shall have jurisdiction in each district. The government has decided that it is necessary to have more judges to serve Montreal; and all the surrounding districts, which rely on Montreal judges to go and sit in their courts, have been supporting the proposal, because judges have not been available to them to render justice and make decisions.

As for the necessity of having more judges in Quebec than there are in some other provinces, I quite agree that the number in our province is larger than in others. But the reasons are obvious. First, in other provinces the Master does a lot of work in making decisions in matters of practice, in rendering justice in *ex parte* cases, and in drafting judgments; whereas in Quebec the Master has little authority in these respects, because all practice work is handled by a judge. In Quebec one judge is needed to hold practice court every week; and I am quite sure that in the district of Montreal at least two judges are sitting each day just for practice proceedings. The Superior Court judges in Quebec also preside at criminal trials, and at certain times of the year, especially in November, practically all of them are presiding at criminal assizes, leaving practically no one for the hearing of civil cases.

Under the constitution of Quebec, no judge has authority, unless appointed by the Dominion of Canada as a Superior Court judge, to hear cases involving more than \$200. In 1867, when the constitution was drafted, it was understood that all judges of the Superior Court would be appointed and paid by the Dominion. As matters stood at that time, the Superior Court was the court of original jurisdiction in respect of all cases from \$100 up. It was not until 1921 or 1922 that jurisdiction was conferred upon provincial magistrates to hear cases involving \$200; and I believe that if the point ever came before either the Supreme Court of Canada or the Privy Council, it would be held that the conferment of this jurisdiction was a contravention of the British North America Act. Some time ago the suggestion was made that the province enlarge the jurisdiction of its magistrates to include cases up to \$400, but the suggestion was regarded as so dangerous, constitutionally speaking, that nobody has dared to put it into effect.

No doubt the Dominion Government could appoint what are known as county or district judges, for whose salaries it would be responsible; but what would be the difference? Let us say that their jurisdiction extended to \$800. This would mean that every month a Superior Court judge would have to go to a district to hear cases from \$800 up, a County Court judge would attend to hear cases from \$800

down, and a magistrate under provincial authority would be in the same district hearing cases from \$200 down. The total cost would be tripled, the arrangement would be otherwise unsatisfactory, and the amount to be paid by the Dominion Government would be just as much as it is today.

Hon. Mr. Horner: Would the honourable senator tell me what hours the judges sit?

Hon. Mr. Bouffard: They always sit from 10 until 12.30 and from 2 until half-past four, and if on reasonable grounds a judge is asked to sit longer, I have never yet known one to refuse. In that respect I believe the judges of the province of Quebec set a very good example.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: When shall the bill be read the third time?

Hon. Mr. Robertson: With leave of the Senate, now.

The motion was agreed to, and the bill was read the third time and passed.

FAMILY ALLOWANCES BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill 235, an Act to amend the Family Allowances Act, 1944.

He said: Honourable senators, I have asked the honourable senator from Toronto-Trinity to explain this bill.

Hon. Arthur W. Roebuck: Honourable senators, this bill is only a proposed amendment to the present law, but it is of considerable importance and interest to many Canadians.

Honourable senators will recall that the Family Allowances Act was passed in 1944 and went into effect on July 1, 1945. It provided, on a rising scale, certain payments to mothers to assist in the maintenance of their children. Under the Act parents are entitled to receive a payment of \$5 per month for each child less than six years of age; \$6 per month for a child of six years or more but less than ten; \$7 a month for a child of ten years or more but less than thirteen, and \$8 per month for a child of thirteen or more but less than sixteen, which is the limit.

I may usefully refer to some of the well-known statistics concerning family allowances. The cost of the Act during last year, ending March 31, was \$264 million. As of February 28 last, benefits were extended to 1,724,179 families and involved 3,873,268 children. The average payment to a family was