

and, in fact, to develop them for the complete management of their own affairs. Well, that of course is quite satisfactory to me. I can foresee the time when they will be required to take over the management of their affairs, and in a democratic country that is good.

Nevertheless, I do think it should have been clearly stated that loans should not be made by the commissioner, but by the commissioner in council, and I so proposed. However, we were, I think, good natured about the matter in committee, and the bill has come back to the house without any amendment. I still hold the view that we should have cleared up beyond all pre-adventure that loans are made by the commissioner in council and not, as expressed in this bill, by the commissioner.

But the other section of the bill, section 2, I look on as being much more serious. There has been a movement among people who are informed in these matters—I am one of them—to increase the status and so on of our police courts. In the province of Ontario, when I was Attorney General, we appointed only barristers as police magistrates and we made a change requiring that they should be stipendiary magistrates, that they should not carry on any business other than that of a magistrate and thus should not be subject to outside influences. They are judges just as much as are the presiding officers on the County and Supreme Court bench. They may decide cases that are of more importance to humanity than do some of the superior courts.

The act as it now stands provides that a magistrate in the Territories shall live therein and shall be a stipendiary magistrate, not carrying on the practice of law or engaged in any other business. That is the rule now, and it is a good rule.

Of course, there must be this qualification, that at times it is necessary that a magistrate be replaced by a temporary substitute. In the Northwest Territories it is imperative on certain occasions that the administration be able to send the magistrate to some remote town, or possibly out into the wilds on a particular job; and should the present one magistrate fall ill or for any other reason be unable to carry on his duties, it is essential that a substitute be appointed to take his place. But these would be temporary appointments.

I have no desire to prevent the administration from appointing a temporary magistrate who is a practising solicitor and allowing him to carry on his business. We do that in the province of Ontario; it is satisfactory so long as it is temporary. But this bill seeks to provide that deputy police magistrates may be appointed and that the provisions of

the act as it now stands requiring residence within the Territories and prohibiting the carrying on of a law practice shall not apply to these deputies. I do not like that, because it is obvious that as population increases in that territory the one magistrate who is now sitting will, in the very nature of things, have a deputy. That deputy may be and likely will be a permanent appointee. At some time in the future he certainly will be. The bill opens the way for the appointment in the Territories of a permanent deputy magistrate who is at the same time a practising solicitor.

I do not look upon my protest in connection with this measure as entirely futile or unfruitful, because it is my impression that, as a result of what has been said, the administration will be much more stringent than the act, and if a deputy magistrate is appointed by the department it will likely be required that during his term of office he shall not carry on his profession as a solicitor. I hope so; but if that is the result it will be due to the good sense of those in the department rather than to our care in the passing of this bill. The bill permits appointments without that requirement, and it is just too bad for us to pass it.

Hon. Mr. Farris: Will you propose an amendment?

Hon. Mr. Roebuck: No, because someone moved in committee that the bill be adopted as it stands, and the motion was agreed to. I suggested that it be amended. I, however, pointed out that the amendment should be drawn with a good deal of care, because I had no desire to interfere in the matter of residence. I was unconcerned whether an appointee resided in or outside the Territories; I was interested only to prevent the appointment of a permanent deputy magistrate or a magistrate who during his tenure of office would be allowed to practise as a lawyer. During the discussion of the form of amendment, somebody moved that we approve the section as it stands. That seemed to be the will of the committee, and approval was given. That, however, does not prevent me from expressing, as is my right, my opinion when we are on third reading. I intend to vote against this measure so that it shall be on record that, I, at least, disagree with the giving of this power to the administration. At the same time I express the hope that if the bill is carried the actual administration will be better than the act.

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Aseltine, seconded by the