

Hon. Mr. BELCOURT: Does my honourable friend know that?

Some Hon. SENATORS: Carried.

Hon. W. B. ROSS: Before this is carried, I want to say a word or two. There have been some strictures passed upon a late member of the Supreme Court of Canada, which I think were not well deserved. I was informed by Chief Justice Strong that anyone attending the meetings of the Judicial Committee has to go well informed as to the whole course of judicial procedure and judicial decisions in Canada, and must be prepared to give some information as to what is going on in the United States. In addition to that, I found that he was working hard to get a general idea of what was going on in Australia, in India, and in Egypt, because a man cannot sit among the members of the Judicial Committee of the Privy Council unless he is qualified along the same lines as they are. This is no small matter, and I would be sorry to think that anyone should go away with the idea that the \$3,000 is not a well-earned sum, no matter who the judge may be who takes the position.

Hon. Mr. BOSTOCK: I should like to ask if this \$3,000 is sufficient to meet the expenses that the representative would be put to?

Hon. Sir JAMES LOUGHEED: Oh, I think they will see to that.

Hon. Mr. DANDURAND: Would it not be better that the Government should revert to the old system of designating the Chief Justice, and, if he did not wish to go, of allowing him to designate some one to take his place? We have been trying to maintain the independence of the judges and to keep them free from political influence. I dislike the idea of the Government selecting one of the judges of the Supreme Court of its own free will. It seems to me—I want to be as gentle as possible in my expression—that there may be a tendency on the part of the public to discuss the reason why Mr. So-and-so has been selected in preference to somebody else? This is not the result of a flight of imagination on my part, but is because of some questions put to me as to why the Chief Justice of the Supreme Court was not selected and someone else was. Then the question of the relations between the judges of the Supreme Court and the Department of Justice or the Government of the day comes into the discussion. I say that advisedly, because we must rise above persons and

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personalities. We are legislating without having in view individuals. We are trying to establish rules to guide the Government of the day—and the Government of the day is the Government of this day and the Government of to-morrow. As I have said, I dislike the principle of allowing any department of the Government the discretion of selecting a judge. I think we should say that it should be the Chief Justice, or someone whom he may designate. In this way we would cut the connection between the Government and the judiciary with all that that may imply.

Hon. Sir JAMES LOUGHEED: This does not say that the Government shall make the selection. It only makes provisions for travelling and living expenses.

Hon. Mr. DANDURAND: Yes, but that does not detract from the argument I have made, because the Government in later years, instead of applying to the Chief Justice, has appointed one of the puisne judges, naming him, and has given him the stipend.

Hon. Mr. BELCOURT: Why is the amount put in this Bill instead of being placed as usual in the Estimates?

Hon. Sir JAMES LOUGHEED: It is unnecessary to put it in the Estimates from time to time. The judge may not attend the sittings of the Privy Council every year.

Hon. Mr. BELCOURT: The same thing happens with thousands of items. Expenses are voted to be expended only if the required event takes place. In the past this item has always been voted.

Hon. Sir JAMES LOUGHEED: It was not very pleasant for the Chief Justice to have it discussed on the floor of Parliament. It is not desirable that it should be so. This is a matter of uncontrollable expenditure, and it is very much better that it should be provided for in the statute, just as are the judges salaries.

Hon. Mr. BELCOURT: That may be so; but if there is anything in the argument of my honourable friend from De Lorimier (Hon. Mr. Dandurand), the public and the representatives of the people in the House of Commons, who have the right to discuss the question would be interested in knowing why one judge was chosen in preference to another.

Hon. Mr. BEIQUÉ: I think there is another reason for it. This Act determines