

THE HOUSE OF COMMONS OF CANADA

EXPLANATORY NOTE

1. Subsection one of section twenty-one at present reads as follows:—

"21. There shall be paid for travelling allowances to each judge, whether of a superior or county court, and to each local judge in Admiralty of the Exchequer Court, except as in this section otherwise provided, in addition to his moving or transportation expenses the sum of ten dollars for each day, including necessary days of travel going and returning, during which he is attending as such judge in court or chambers at any place other than that at which he is by law obliged to reside, if such attendance has been in any place which is a city, otherwise he shall be paid the sum of six dollars for each day he has so attended: Provided that

- (a) no judge shall receive any travelling allowance for attending any court or chambers at or in the immediate vicinity of the place where he resides;
- (b) in the province of Nova Scotia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Halifax; in the province of New Brunswick no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Fredericton or St. John unless he resides at the other of the said cities or in the immediate vicinity thereof, or unless he the judge who under the authority of the laws of the province resides at Moncton; in the province of Manitoba no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Winnipeg; in the province of British Columbia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Victoria or Vancouver unless he resides at the other of the said cities or in the immediate vicinity thereof; in the province of Prince Edward Island no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Charlottetown; in the province of Saskatchewan no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Regina; in the province of Alberta no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Edmonton or Calgary, unless he resides at the other of the said cities or in the immediate vicinity thereof: Provided that nothing in this paragraph shall affect a judge's right to receive travelling allowances if he resides at a place at which he is by order of the Governor in Council required to reside; and
- (c) no judge of a county court shall receive any travelling allowance for courts or chambers held at the county town of the county, or union of counties, within which he resides;
- (d) no travelling allowances shall be granted to a judge of a county court in respect of any attendance at a place not within the county or district for which the judge is appointed, unless it appear to the satisfaction of the Minister of Justice that the attendance was duly authorized and necessary."

The purpose of these amendments is to assist in the audit of accounts of judges for travelling allowances, with a view to promoting further economy in such expenditures. It is difficult for officials auditing these accounts at Ottawa to satisfy themselves that in all cases the expenses charged for were essential for the proper administration of justice in the province, and the principle of the Bill is that the responsibility to certify to this fact shall be placed upon the Attorney General of the province, who is the responsible Minister in such matters.