

On section 4, new section 35—statement to be filed by judge:

Hon. W. B. ROSS: That is the old clause.

Hon. Mr. POWER: I think that we ought to consider a little before passing this clause. It provides that—

35. Every Dominion judge, and every provincial judge whose salary is fixed and provided by the Parliament of Canada, shall, in the month of January in each year, file with the Minister of Justice a statement that during the next preceding calendar year he has complied with the provisions of section thirty-three and thirty-four of this Act, or, if he has not complied therewith, specifying the manner in which he has departed therefrom; and no salary, remuneration, or allowance, shall be paid to any judge who has failed to file such statement until the same has been filed...

I must say that, while I am in sympathy with the general tenor of the Bill, I have never been able quite to approve of this provision. I think it places the judge in a very undignified position, that he should be obliged to certify to his own honesty and obedience to law every year. There are some hundreds of judges in the country, and these certificates will probably not be looked at in the Department of Justice at all. They have too much business of other kinds to attend to. I think that the subsection which the honourable gentleman has put into section 3 renders this clause unnecessary. Subsection 2 of section 3 reads:

(2) On proof being made to the Minister of Justice of the payment to or receipt by any such judge of any salary, remuneration or allowance other than such as is authorized by the Parliament of Canada, he shall forthwith order the amount so paid or received to be deducted from the salary provided by the Parliament of Canada.

It seems to me that that provision covers the ground sufficiently, and I think that the Bill would be a more reputable and dignified enactment if we were contented with that and did not pass this clause 4.

Hon. W. B. ROSS: For myself I have to disagree entirely with the honourable member from Halifax with regard to this section. I attach more value to this than to almost any other section of the Bill. My own opinion is that without this the Bill would be a dead letter. If the Bill did not contain this section, which is, in a way, automatic, what you would have to depend upon would be the charges filed by barristers, or in the court, or by brother judges, or by the general public. As a matter of fact, no one cares, even if he feels a little grievance about putting himself in the position of an informer or quasi-informer, and

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while there would be all kinds of irregularities going on, what would happen is that they would pass unnoticed. Members of the Senate have every year to make an affidavit regarding attendance here. We discussed this point over and over again last year. I do not know that anybody's dignity is hurt at all by his being required to make an affidavit about his attendance, and for a judge to say that he has complied with the terms of the Act, or, if it so happens that he has had to trespass on them, to say how far he did so and why, I cannot see that it hurts his dignity. Some of the judges got it into their heads that they were going to be called upon to file an affidavit. I had a letter the other day from a judge who said he thought it was not fair to ask them to file an affidavit; that while there would be no objection to filing a statement, he thought it would be wrong to require an affidavit. I told him that if I had to file an affidavit myself before getting my pay. I did not see why he should not do likewise; still, I would let him off if he would just write a letter saying he had complied with the Act, and I would not insist upon asking him to make an affidavit.

Hon. Mr. POWER: It comes to this, that we ask the judge to certify to his own honesty.

Hon. W. B. ROSS: Why should he not? It is the easiest thing for an honest man to do.

Hon. Mr. POWER: It may be easy, but it does not seem to be the correct thing.

Hon. W. B. ROSS: It is just as correct as it would be to require somebody else to certify to his dishonesty.

Hon. Mr. POWER: But there is one other thing, to which I may perhaps refer at a later stage. For instance, we have in Nova Scotia, I know, judges who are professors in Dalhousie University Law School. It does not seem to me that if a judge is getting \$400 or \$600 for the lectures that he delivers there, he should be penalized under this Bill. I think that delivering lectures in a law school is really rather in the line of the judge's business.

Hon. W. B. ROSS: There have been more complaints about that than about any other thing in the province of Nova Scotia.

Hon. Mr. POWER: Well, I thought so.

Hon. W. B. ROSS: That very thing—the judge adjourning his court and letting the witnesses and lawyers go down town and