

able friend distinguishes between that and the Inquiries Act.

Hon. W. B. ROSS: Yes, that is correct.

Subsection 2 of section 2 was agreed to.

Subsection 3 of section 2 was agreed to.

On subsection 4 of section 2—certificate required in certain cases:

Hon. Mr. LYNCH-STANTON: In our province the man who usually acts on boards under the Industrial Disputes Investigation Act is Chief Justice Meredith. This clause will not allow the Chief Justice of the province to act, and he has acted on most of the important matters.

The Hon. the CHAIRMAN: He can appoint himself.

Hon. Mr. LYNCH-STANTON: He will not.

Hon. Mr. DANDURAND: Is it not time for a change in that province?

Hon. Mr. LYNCH-STANTON: It may be, but then, to put out the Chief Justice is, it seems to me, not proper.

Hon. Mr. DANDURAND: The argument advanced by the promoter of this Bill, that a judge's reputation may be affected by his acting in such cases, would apply to Chief Justice Meredith, because he has been the judge who has usually sat on such cases, and, as a matter of fact, I have heard his judgments discussed in a way that they would not have been if he had adhered simply to his judicial duties.

Subsection 4 was agreed to.

Subsection 5 was agreed to.

On subsection 6—judges not to engage in business:

Hon. Mr. DAVID: Last year I stated that in Montreal, under a civic by-law, a judge of the Superior Court—a Dominion judge, appointed by the Federal Government—is authorized to hold an investigation in certain matters. When twenty-five electors in Montreal deem it proper to have an investigation held, they apply to the Superior Court, and a judge of that Court, paid by the Dominion Government, is appointed to make the investigation.

Hon. W. B. ROSS: Will the honourable gentleman look at page 3, line 23.

Hon. Mr. DAVID: I see.

Subsection 6 was agreed to.

Section 3, new section 34, subsections 1 and 2, were agreed to.

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On subsection 3, new section 34—exceptions; expenses in certain provincial duties:

Hon. Mr. DAVID: Paragraph c reads:

To prevent any provincial judge from receiving under any provincial authority travelling and living expenses when acting as a member of a commission appointed under the law of any province to investigate municipal matters.

The judge is not prevented from acting, but he cannot be paid. I would like to know whether this applies to the case which I have just cited—the case of a judge appointed under a by-law of the city of Montreal to make an investigation in certain municipal matters.

Hon. W. B. ROSS: There is nothing in this Bill which would prevent judges from so acting. We draw a distinction between "Dominion" and "provincial" judges.

Hon. Mr. DAVID: I see.

Hon. W. B. ROSS: A province may appoint a judge to act in certain matters, and there is nothing in this Bill to interfere with the appointment; but, as the Bill provides that judges shall not receive any salary except by authority of Parliament, it is necessary, in order to meet the very case referred to by the honourable gentleman, to provide that—

Nothing contained in this section shall be construed so as:—

(c) to prevent any provincial judge from receiving under any provincial authority travelling and living expenses when acting—

Hon. Mr. DAVID: But does not subsection 5, on page 2, provide that "a Dominion judge shall not act in any extra-judicial capacity?"

Hon. W. B. ROSS: That is the Dominion judge.

Hon. Mr. DAVID: Yes, but if a judge appointed by the Dominion Government is a Dominion judge—

Hon. W. B. ROSS: No. You see, there is a definition in section 2 of the Bill:

(a) "Dominion judge" means any judge of any court of record constituted by Act of the Parliament of Canada, and includes local judges in Admiralty, deputy judges, and surrogate judges, of the Exchequer Court of Canada.

But the judges in all the provincial courts, although they are named by the Dominion Government, are provincial judges and are so defined in paragraph b of section 2.

Subsection 3 was agreed to.