

return. So that the judge would charge three days. The Department of Justice maintained that ruling, although of recent years a judge could leave his home in the morning and go to Montreal, hold court all day, and return at night. I want to call attention to the fact that they can still charge three days, and I know they are doing it now. I do not believe, however, it is in the interest of their own work or in the interest of justice. The judge takes a train to Montreal in the evening and charges one day. What does he do during the evening? Nothing. If he were at home he would work. Next day he holds court, and returns on the following day, and charges three days. It cannot be contended that the interests of justice are advanced in this way.

The SOLICITOR GENERAL. A judge will not be guilty of such an act as that.

Mr. BERGERON. That is what is being done.

The SOLICITOR GENERAL. I call your attention, Mr. Deputy Speaker, to the fact that this is a reflection on the judges.

Mr. BERGERON. The hon. gentleman is not serious. I am putting the case as it is, and am pointing out that under the old law judges could claim three days. I might remind the hon. gentleman of a case which came before the Department of Justice when the accounts of Hon. T. J. J. Loranger were discussed. He gave those reasons, and they were accepted at the time. It was understood that the judges were allowed three days' allowance for holding court in one day, one day being occupied in going, one day in holding court and one in returning home. Although a judge can go to Montreal by train in the morning and return at night, he will not do it. Of course in some cases a judge would have to start early in the morning, travel twenty or thirty miles, sit in court all day, and return the same distance in the evening; and judges will not do this. The old law was more in the interest of justice than the present law.

The SOLICITOR GENERAL. I want to avoid discussing the question of travelling expenses.

Sir CHARLES HIBBERT TUPPER. Well, it is in the resolution.

The SOLICITOR GENERAL. All I can say is, that when you learn we spend \$20,000 a year to pay our judges for travelling expenses in the province of Quebec in addition to their salaries, I think every one will admit it is time for us to look about it and to see if we cannot change it.

Mr. BERGERON. That shows the system is bad.

Sir CHARLES HIBBERT TUPPER. Can the Solicitor General give me any pre-

Mr. BERGERON.

cedent for this check which we are now putting upon the judges of the province of Quebec, upon the assumption that there has been a gross abuse for many years in the construction put upon the law by the Justice Department. Let me ask, are we going to strengthen the position of the judges of the Superior Court of the province of Quebec, some thirty of them in all, by placing them in this extraordinary position. I say this resolution places the judges in a most unenviable position before the public, because it says that hereafter their accounts will have to be certified to by another judge of another court, and that in future these judges are not to be trusted. If any judges are guilty of wrong-doing and the department cannot trust them to render proper accounts under the law for their travelling expenses, how under the sun can they expect to be free from such wrong-doing as makes this sort of resolution necessary. Under the language of the resolution, these judges are to be put under such a cloud that hereafter none of them can obtain their per diem allowance unless the chief justice, or the judge discharging the duties of chief justice in the district, certifies that the attendance of such judge was necessary. The Solicitor General may be able to give me a case which shows that this is not an invidious distinction made in the case of these judges, who are already charged with taking undue advantage of the law. Does the hon. gentleman know of any other judges who, before they draw their travelling allowances, have to submit their accounts to another judge. I know of none in my experience.

The SOLICITOR GENERAL. I do not think my hon. friend (Sir Charles Hibbert Tupper) fairly states the case.

Sir CHARLES HIBBERT TUPPER. I put it interrogatively?

The SOLICITOR GENERAL. What is intended by the law if it passes is, that the judge shall be under the control of the chief justice of the province in so far as the administration of justice is concerned; that he shall not go from the district to which he is assigned to an adjoining district or to any other district of the province without being requested to do so by the chief justice. I differ from my hon. friend (Sir Charles Hibbert Tupper) in this respect: that I do not know of any country in the world under our system where the judges are not under the control of the chief justice. Here the judges are assigned by law to a particular district. They leave that district to go to another district, and surely we are entitled to know why they go there, and surely we are entitled to see they do not go there without having the sanction of the chief justice who presides over the court.

Sir CHARLES HIBBERT TUPPER. The reply of the Solicitor General makes it