

Hon. Mr. Aseltine: The amendment simply says that subsection 2 of section 32 of the act does not apply to a deputy magistrate.

Hon. Mr. Roebuck: Yes, and that means he can carry on his practice.

Hon. Mr. Aseltine: He can carry on his practice if he wants to.

Hon. Mr. Roebuck: He can carry it on for an indefinite period.

Hon. Mr. Aseltine: But he could practise in Saskatchewan, for instance, and be a deputy police magistrate in the Northwest Territories.

Hon. Mr. Roebuck: That might not be so bad.

Hon. Mr. Aseltine: That is what likely would happen. The 60th parallel of latitude is the northern boundary of Manitoba, Saskatchewan and Alberta, and the Northwest Territories are immediately to the north. A barrister or a solicitor living in one of the Prairie provinces could practise in his province and still go to the Northwest Territories and help in their courts on a temporary basis.

Hon. Mr. Roebuck: That is all right if he is temporarily employed. But if all the deputies appointed are to be allowed to practise their profession indefinitely, I think that will be going too far. I think the statute might be a little more guarded in that regard. Supposing, for instance, we amend the paragraph at the very bottom of page 1:

... except that subsection (2) does not apply to him.

Why should we not add to that the words "while temporarily employed"?

Hon. Mr. Aseltine: I do not think that would work; because every barrister and solicitor has work going on all the time. If that amendment were inserted you could not get anybody to act who lived outside the Territories and had a practice of his own.

Hon. Mr. Roebuck: Then do you think the intention is to have men act as deputies permanently and go on practising law at the same time?

Hon. Mr. Aseltine: In their own provinces.

Hon. Mr. Roebuck: It does not say anything about any province. According to this bill he could practise anywhere.

Hon. Mr. Aseltine: He would probably live in the area where he is practising.

Hon. Mr. Roebuck: Not necessarily so. Here we are changing a law that we passed some time since, after a good deal of consideration and with some satisfaction, when we provided that the magistrates of this

territory could not carry on a private practice. That is very important. The administration of justice in these lower courts is exceedingly important. I have often said that they are our most important courts, because they deal with human beings and often very, very seriously.

I do not like this proposal, and I have some experience behind me in this matter.

The next observation that I would like to make is with regard to section 19A (1), which reads:

The Commissioner in Council may make ordinances

(a) for the borrowing of money by the commissioner for territorial, municipal or local purposes on behalf of the Territories, and

(b) for the lending of money by the Commissioner to municipalities and school districts in the Territories.

And then, subsection 2 of 19A:

(2) No money shall be borrowed by the commissioner under the authority of this section without the approval of the Governor in Council.

So, honourable senators, for the borrowing of money he must have approval, but he can lend it on his own responsibility.

Hon. Mr. Aseltine: Would he not have to show why he wanted the money?

Hon. Mr. Roebuck: I do not know about that. He has the money in his hands. He can spread it around according to his own will. There are certain revenues which this Commission gets locally and pays into the fund.

Hon. Mr. Aseltine: Into the Consolidated Revenue Fund.

Hon. Mr. Roebuck: Yes, the Consolidated Revenue Fund. All that the bill says is that when he borrows money he must have permission by Order in Council, but when he lends money—

Hon. Mr. Macdonald: The bill provides, that the Commissioner in Council may make ordinances—

Hon. Mr. Roebuck: Yes; the ordinances will be to lend the money.

Hon. Mr. Aseltine: They are by-laws.

Hon. Mr. Roebuck: They are by-laws, yes. He could not lend it unless authorized by a by-law or something of that nature. He would have to have a record of his council. I certainly do not like to see officials given such power, and these are usually civil servants.

Hon. Mr. Aseltine: They have a Government there.

Hon. Mr. Roebuck: They are all civil servants.