

Minister of Justice tell us frankly why we are asked to pass this bill at this particular time, and why he is only asking for one year's extension of the term of this honourable gentleman, who, he says, is physically able to carry on his duties and mentally alert in spite of his age?

Mr. COLDWELL: Will the Minister of Justice tell the committee what emoluments are received by the Chief Justice of Canada?

Mr. ST. LAURENT: In all, \$15,000, which includes the salary he receives as deputy of His Excellency the Governor General.

Mr. COLDWELL: And I understand that if he is asked to undertake any other work, such as the Hong Kong inquiry, there is no further payment for services rendered in that connection?

Mr. ST. LAURENT: None whatsoever.

Mr. HANSELL: Then, following the minister's reply to that question, the reason for the extension of the term of office cannot be that this gentleman needs the money. Now will the minister tell us the reason?

Mr. ST. LAURENT: If the hon. gentleman wishes me to state the facts I shall do so, and I think his misgivings will be entirely dispelled. There is no special work the government intends to ask the supreme court or the Chief Justice of Canada to do. There is no one for whom the office is being kept intact. The reason the house was asked to consider the bill at this time was given in the opening remarks of the former leader of the opposition. At the present time Canada is without a chief justice. It was thought that this bill would not be of a controversial nature, that it might be passed in a very short time; and the next clause of the bill proposes that it be made retroactive to January 7, 1943, from which date it will operate for one year. The other question was why one year is being suggested. It is that parliament will be meeting again within a year, and it was not considered advisable at this time to ask parliament to commit itself for more than one year.

Mr. COLDWELL: How does the department evaluate the work of judges? I am not thinking only of the work of the chief justice, but how is an estimate made of the capabilities of judges? It is difficult to discuss this matter and remain within the rules, but most of us know of judges who have passed the age when they can give concentrated consideration to cases coming before them, and I should like to know if the department has any way whatever of finding out whether a judge—we will say the chief justice if you wish, because we are discussing this bill—is really capable of

performing the work which a judge must perform. I am speaking from a background of, shall I say, slight experience and knowledge of some of the judges who occupy the bench in this country. I am not referring to the chief justice in that particular, but I should like to know how the work of the judges is evaluated. We have many who have progressed far toward the end of life; what steps are taken to make sure that they are able to give concentrated consideration to the cases before them, and how is their work evaluated by the department in order that it may be done efficiently?

Mr. CHURCH: The principle of the bill is contained in one clause, which extends for four years instead of three the term of office, which means that the chief justice will remain for one year from January 7, 1943. As I say, I have no objection to the age limit, because some judges at seventy-five or even more are almost at their best. The principle involved in this measure came up in the house, in a bill, about seven years ago, as to the court of appeal in Ontario, where there was no law to prevent judges of eighty years from continuing their duties. The bill, which provided for retirement at seventy-five, passed this house, but was thrown out in the senate. At that time I said:

The frequency, of recent years, with which judges are drafted for all kinds of such work impairs the efficient administration of justice and causes congestion in the law courts, and, as they are largely only fact finding commissions when appointed, they duplicate the efficient powers and functions of parliament, of the committees thereof, and of the many outside boards of recent innovation in war work, and furthermore they are a costly adjunct to good parliamentary government of the people, by the people and for the people, cause delays and interfere with parliament's right to immediate solution of social and economic problems of urgency to good government; thus a system of "judicial commission government" is slowly being built up in Canada.

It is for that reason that I voted to-day against the second reading of this bill. I believe some of the judges over seventy-five years of age are the best we have. The principle applying in England with respect to judicial appointments and law reform should be copied by the dominions, so far as age limits are concerned. In Ontario high school teachers have been retired at sixty-five years. That was one of the worst possible pieces of legislation, because some of those principals cannot be replaced by younger men. In England they are being asked to go back to work in war-time. The same applies in some cases in the law courts. I can tell the committee that some of the judges who are over age are doing excellent work. I made special