

There is a financial bite provided for in clause 33(3), to the effect that the salary of a judge declared by the Governor in Council to have become incapacitated or disabled from the due execution of his office may be terminated. This is alleviated somewhat by clause 33(4).

By clause 33(6), an annuity or pension may be granted to a judge found by the Governor in Council to have become incapacitated or disabled, if such judge resigns, equal to what he might have been granted had he resigned at the time of such finding.

Apparently, there would be no annuity provided for a judge who is removed from office on any ground of malfeasance, misfeasance or non-feasance under this clause. Please correct me if I am wrong about this: it is a matter of importance, certainly to the judge affected.

I am generally in favour of this clause, although it leaves much to the imagination. In any event, it seems to me to provide a better system of procedure than that followed in the case of Mr. Justice Landreville. In my opinion, that case was in many respects mishandled by the Government. Perhaps this legislation will prevent a repetition of that type of mishandling. Honourable senators will recall that case. This man was subjected to several, I would not say trials but hearings before commissions, for a period of four and a half years. Eventually, he was told that he would have to appear before the Senate. We were then commencing proceedings and we were to have a joint resolution of both houses.

On the day on which we were to commence to debate his case in this house, he was asked to resign and he did so. The letter of resignation was read here in this chamber. This man is a great friend of mine. He was a young boy, brought up in Ottawa with me, and I recall very well the wording of his letter of resignation. It was such that he would have been entitled to a pension. He said that over a period of four and a half years his health had been affected greatly, that his financial situation had been affected, and that he was resigning on grounds of health.

I can report today that this man has never received a pension, nor will he ever receive one. In my opinion, that case, as I said, was in many respects mishandled by the Government, and perhaps this legislation will prevent a repetition of that type of mishandling.

I applaud as long overdue the tying in of the salary of the Auditor General to that of the President of the Exchequer Court. I merely question whether the members of his staff are being taken care of equally well. No executive is much better than the staff provided for him.

In conclusion, I commend the Government for these various steps in the right direction. If the sponsor of this bill could give me satisfactory answers to the few questions I have raised, I would not insist, personally, that the bill go to committee.

Hon. L. P. Beaubien: Honourable senators, I have listened, with interest, to learned counsel on either side, to honourable Senator Cook and honourable Senator

[Hon. Mr. Choquette.]

Choquette. I wish to say right away that I agree with everything the bill does. I would also point out that I disagree tremendously with what the bill does not do.

Honourable senators, this bill amends the Judges Act. Clause 25(1)(a) says that the widow of a judge will receive two-ninths of the salary that the judge was getting when he died. That means that if Judge A.B.C. Brown died in 1950, his widow gets two-ninths of \$12,000. If Judge A.B.C. White should die after this bill is passed, his widow will get two-ninths of \$34,500. What is the reason for the increase in the salary from \$12,000 to \$34,500? It is simply because the cost of living has gone up. Judges are not being overpaid. Why should the widow of a judge who died in 1950 have to struggle along on a measly \$2,600 instead of receiving the \$7,700 she would be entitled to if he died this year? We are not dealing with a large number of people. I think there are only three judges' widows who are really in dire need, but they have only three votes so nobody pays them much attention.

Some senators here have spoken to the Minister of Justice about this and he has replied, "Oh, my goodness, you cannot open a can of worms like that. There are any number of people in the same boat, because they became eligible to receive a pension 20 or 30 years ago."

Honourable senators, I have never heard such a ridiculous argument. We are dealing with nothing but the widows of judges. What difference does it make to us, when considering this bill, if somebody who was a street cleaner and who died 20 years ago, left a widow who is not getting enough? Perhaps that is something we ought to go into, but not when dealing with this bill. We are now dealing with the pensions of judges' widows whose husbands died 20 years ago and who are not getting enough money to live on.

If, in passing this bill, we do not insist on amending this nonsensical clause, then, of course, we are concurring, because we are the ones who are writing the law.

I know that there are ways and means. I know that we cannot initiate a bill which is going to be a charge against Her Majesty's exchequer. However, we can send back to the Commons sloppy legislation which completely ignores things which are a disgrace. Instead of smugly sitting back and saying what we are doing for judges today, we should be looking to see if we are dealing in justice.

When the Senate and the House of Commons saw fit to increase the salaries of members, did we consider whether there were a few gardeners who died 20 years ago, whose widows were on pension and who were not getting enough?

All honourable senators should look carefully at what the legislation provides. Let us remember that the form in which the bill passes will depend much on what we say.

Hon. Daniel A. Lang: Honourable senators, I originally intended to direct a question to my colleague, Senator Cook, but instead of doing that, I wish to express the concern that I feel about this bill.