

THE MINISTER OF JUSTICE.

Some misapprehension has existed as to the right or propriety of a salaried Minister of the Crown receiving, at the same time, superannuation allowance as a retired Judge. The Hon. C. J. Doherty, Minister of Justice of Canada, and formerly a Judge of the Superior Court of the Province of Quebec, was recently charged, in Parliament, with having resigned his Judgeship on the ground of ill-health, and having—five years afterwards—accepted the active duties, and the salary, of a Minister of the Crown. The Minister, from his place in the House, denied that he had resigned by reason of incapacity to fulfil his duties as Judge, and shewed that he was entitled to retirement, and therefore to superannuation, under the terms of R.S.C. c. 138, s. 20. This enactment provides (*inter alia*) that, “if any Judge of . . . any superior Court in Canada, who has continued in the office of Judge . . . for fifteen years or upwards, . . . resigns his office, His Majesty may . . . grant unto such Judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation.” There is no qualification as to infirmity coupled with the above provision. It is an absolute right (under His Majesty) to superannuation, and is given as a return for a continuous service of fifteen years.

There is, moreover, a further point, which the critics have failed to note. When a lawyer of high standing and in large practice accepts a Judgeship, he makes a sacrifice of income by so doing. This applies to the whole period of time that he is on the Bench. In other words, he commutes his income for that period; and the Act fixes fifteen years as being a reasonable time for such commutation. Why, then, after fifteen years of public service, at a comparatively small income, should he not feel himself free to take up any work he desires. He might, following distinguished precedents, have gone back to the profession, but, instead, he went forward to the very highest legal position.

The country had previously been, and is again now, well served by having as Minister of Justice and Attorney-General one whose judicial experience is of very great value. In the