

remain on the Bench hereafter because they will get more by retiring than by staying. What will be the result of such legislation? For the purposes of illustration I will put a case to my hon. friend the Minister of Justice in this connection: Supposing a judge should follow the example of the Minister of Justice, and retire from the Bench, and offer himself as a candidate at a parliamentary election and be returned? Supposing that man becomes Minister of Justice? He will then receive a pension of \$6,000, the parliamentary indemnity of \$4,000 and the salary of a minister of the Crown, \$10,000. That would be a very agreeable situation for any man to find himself in. As I say, I would not object at all to the pension if the judge, like the civil servants for example, contributed so much every year towards the pension fund. Personally I have made provision for my old age; I am paying insurance on my life and when I die, my family will have a few thousand dollars at their disposal. Others should do the same. I do not see why there should be this discrimination in favour of judges, and when the Bill which is to follow this resolution is introduced, I intend to move that the judges be treated in the same way as the rest of the community. While I am on my feet I would like to ask the Minister of Justice this question: Supposing a vacancy should occur six months from now in the representation in the Supreme Court of Canada from the province of Quebec, can an ex-judge who is receiving a pension from the state be appointed to replace the gentleman who is retired?

Mr. DOHERTY: I think a person in that position might be appointed, but I do not think he would be entitled to draw a pension as a retired judge while he was actually a judge in office.

Mr. LANCTOT: If I understand the minister such an appointment could be made but my hon. friend does not believe for a moment that the appointee would accept a pension. That being so, when the present Minister of Justice accepted that portfolio he ought not to have continued to have drawn his pension as a retired judge. That is the way in which I look at the matter and that is how I shall always regard it. If justice is not done to the farmers and the working men of this country in this matter I intend to tour the province of Quebec and tell my fellow citizens what is going on here in Ottawa when both parties combine to enact such bad legislation as

[Mr. Lanctot.]

this. At the proper time, after the Bill has been introduced, I propose to move certain amendments giving expression to my views.

Mr. CROTHERS: I would like to ask the Minister of Justice upon what ground it is proposed to amend clause 16 under which it was proposed that an additional \$1,000 per annum should be granted to the judge of any circuit, county or district court in which there is a city or town with a population of forty thousand or over.

Mr. DOHERTY: The clause which appeared in the original resolution did make that distinction. But we have since found, by representations coming from numerous quarters, that the distinction sought to be made would not operate fairly, that the test of there being a city of forty thousand population in that county was not a fair test of the importance of the business to be transacted or of the amount of judicial work required to be done. I may say that it has been pointed out to me, and it is beyond dispute, I understand, that in all of the western provinces, particularly in British Columbia in very many counties there do not happen to be cities, but while there may be in those counties a smaller number of cases to be decided, it imposes upon the judges who hold office in them the obligation of covering a very extensive territory, frequently under conditions of travel which are not of the most agreeable kind, and that those judges compensate at least for the difference in quantity of work by the added arduousness of the conditions under which it has to be performed. Coming to the other provinces, even in the province of Ontario it has been brought to my attention that in quite a few cases the judges in counties or districts where there does not happen to be a city of 40,000 inhabitants have as large a burden, in some instances, as in districts where there is such a city. Moreover, it has been found that in some of these counties containing a city of 40,000 inhabitants the judges in adjoining counties necessarily have to share the burden, and it would manifestly be unfair under those circumstances that there should be a discrimination in the salary. Therefore, taking it all round, it seemed to be impossible to draw a line that would do perfect justice.

Apart from that I think if hon. members will reflect for a moment they will feel that taking the County Court judges as a whole this is perhaps a fair consideration. Their salaries are to-day but \$4,000. Of course, their work may be more or less onerous,