

*Supply—Auditor General's Office*

years, whereas his predecessor got only \$7,000 a year. I think the gentleman in question has been fairly well taken care of, and I move that the item be struck out altogether.

Mr. VIEN: I should like to point out that when this gentleman was appointed auditor general he would never have accepted to give up his office in Montreal if the salary attaching to the position had not been increased. My hon. friend waves his finger in denial of my statement. He may not know the facts. But I can tell him that I do know the facts. This gentleman had an office as public accountant in Montreal which yielded him more than \$15,000 a year. He was called in by the then Minister of Justice, Sir Lomer Gouin, who prevailed upon him to accept the position.

Mr. MacKENZIE (Lambton-Kent): At \$7,000.

Mr. VIEN: Not at \$7,000 a year, at \$15,000 a year. There was the statutory salary of \$7,000, but the order in council appointing him stipulated a salary of \$15,000 per annum, \$8,000 of which was to be provided for by a vote in the estimates, and parliament has voted this supplement of \$8,000 from year to year ever since.

I am disinterested. I have no interest in the matter other than seeing that justice be done. When a man is appointed by the crown to a position for life, such an appointment for life is on a parallel with that of a justice of the supreme court. Mr. Gonthier left a very profitable business and accepted to serve the Parliament of Canada, as auditor general, for \$15,000 a year, for life. Such was the contract between the government of Canada and Mr. Gonthier.

Under Mr. Bennett, in 1931, I believe, provisions were made for the retirement at seventy years of age, of high officials of the crown and the auditor general was included. The auditor general is not a civil servant. He is an officer of parliament. A civil servant is appointed by the civil service commission. The auditor general is appointed by order in council. A civil servant is appointed during pleasure. The auditor general is appointed during good behaviour. A civil servant can be dismissed at will. The auditor general, like a justice of our high courts can be dismissed only on impeachment voted by the two houses of parliament. When parliament, in its wisdom, chose to establish an age limit, at seventy-five, for federal court justices, the Civil Service Superannuation Act was not applied, and properly so. Why? Because supreme court judges are not civil servants. And the auditor general is not a civil servant. He is the servant of parliament,

[Mr. H. A. MacKenzie.]

and responsible to parliament alone. He is not an employee of the government of Canada. The government cannot dismiss him. Appointed by the government, he can be dismissed only as a judge of the high courts can be dismissed, by both houses of parliament. Otherwise, he is appointed for life.

Mr. McCANN: Was he dismissed?

Mr. VIEN: He was not dismissed. After his appointment, in 1922 or 1923—

Mr. STIRLING: In 1924.

Mr. VIEN: Seven or eight years later he was included in the age limit provided for in the Civil Service Act. In 1929 we had set an age limit for the judges of the supreme court and of the exchequer court, who had been appointed for life. Parliament decreed that they should retire at the age of seventy-five. In 1930, however, a law was passed giving them the benefit of their full salary for life. They had been appointed by order in council for life, at a certain salary. Parliament respected the contract, and all judges appointed prior to 1929 received their full salary for life, although compelled to retire at the age of seventy-five.

With that precedent on our statute books the auditor general could have claimed his full salary for life, on the same basis. The government should have given him as much. It now proposes, by this item in the estimates, to give him, on retirement the same compensation as he would have been entitled to, had he retired at the age of seventy-five. That is all that is entailed in the estimates. In my opinion, the full measure of justice due to the retiring auditor general would have been to pay him his full salary for the rest of his life, as we provided for the supreme court and the exchequer court judges. Mr. Gonthier is simply asking that, instead of his superannuation being computed on the basis of his retirement age at seventy years of age on account of his forced retirement, such superannuation should be computed as if he had retired at seventy-five. That is all.

Hon. gentlemen should understand that there is a fundamental difference between high officers of the crown, the auditor general, judges of the supreme and exchequer courts, and ordinary civil servants appointed under the Civil Service Act, and Civil Service Superannuation Act. I can say further that, had I been consulted as a lawyer, I would have advised the auditor general to claim the full payment of his salary, and for life.

Mr. STIRLING: The previous auditor general, I am informed, received a statutory salary of \$5,000, which was augmented by an