

I have always been extremely proud of our Canadian judiciary, and never more so than when hearing men of high position in the United States laud the members of our Bench and express regret that in their own country they were not always as favourably situated in this respect as we in Canada. I have no doubt that with the possible exception of Great Britain there is no country in the world where the judiciary occupies a higher position than in this country. Great Britain in the past has gone through the experience of having "cheap" judges, and has found that experience a most costly one. The result has been that in England judges' salaries have been increased from time to time, until today they are from two hundred and fifty per cent to six hundred per cent greater than the emoluments of our own judges. The consequence of such marked increases in remuneration has been to render available the very best material for the building up of the judiciary of Great Britain, and the results in the maintenance of law and order in the social, industrial and financial life of that country have been most beneficial. Contracts and undertakings usually are faithfully kept, because contracting parties know that should they fail to respect the sanctity of their agreements the courts will see to it that the obligations are carried out. That explains why there are fewer lawsuits in Great Britain than in most other countries. And I think it will be found that the per capita cost of the administration of justice in Great Britain, despite the high salaries paid to the judges, is lower than elsewhere.

But I want to go back to our own judiciary. I feel I can say for all the provinces what can confidently be affirmed for the Province of Quebec. We have judges of the highest degree of integrity and ability, who perform their duties efficiently and devotedly. Because of the courageous stand taken by some of our judges, Canada has been protected from an invasion by bootleggers and racketeers operating amongst our neighbours, frequently, as we know, at the cost of life. The stay of these desperadoes in our country has been rendered rather precarious since four of them were hanged in one day by order of our great hanging judge, Hon. Charles Wilson, of Montreal. Considering the position which a judge should occupy in society, in order to inspire not only the respect but, as in England, the reverence of the masses, and considering the qualifications he must possess in a high degree for the performance of the work entrusted to him, I think that \$9,000 is far from being an extravagant salary. Perhaps everyone will not agree with this view, but

Hon. Mr. BEAUBIEN.

personally I will go further and say that the salary is hardly adequate. I know of no members of the legal profession who work harder than the judges in the city of Montreal. It has always been a matter of surprise to me that lawyers with big practices should accept a judgeship. On one occasion I approached a lawyer of high standing in Montreal to ascertain whether he would be pleased to go on the Bench, and to my astonishment he assented. He enjoyed an income double or treble that of a judge, and I asked him why he would not hesitate to make such a material sacrifice. His answer was to this effect: "Well, I have been in the thick of the battle for years. If I become a judge I shall continue to live in the atmosphere of my own profession, and shall be peaceful and provided for during the rest of my days."

Well, honourable members, I wonder whether this Bill would not make it much harder to obtain suitable material for the maintenance of the high judicial traditions of this country. A judge's emoluments are not as high as they were years ago, if compared with the cost of living. Furthermore, in the last decade or so laws have been passed which make the tenure of judicial office much less secure than it used to be. In 1922 there was an amendment to the Judges Act which, it was contended, was required for the redress of some abuses. It provides that if a judge becomes incompetent to fulfil his functions, by reason of age or otherwise, the Minister of Justice may order an investigation, and if the judge is found so incompetent he can be deprived of his salary and forced to take his pension. In 1927 there was a further amendment to the same Act, providing that a federal judge would be presumed to be incapable of continuing his duties, and required to take his pension, on reaching the age of seventy-five. Remember, honourable members, that applied to judges who had been appointed for life. It was an arbitrary violation of a contract, and the following year Parliament recognized the injustice that had been done and declared that any judge affected by such amendment would be paid his full salary for the rest of his life. The case of the honourable Mr. Justice Mignault was particularly in the mind of Parliament at the time. Why did Parliament feel bound to make such reparation? Because it recognized that a contract had been made which obligated the State to respect the life tenure of office of each federal judge. But the present Bill decrees that similar life contracts with superior court judges must terminate when these judges reach the age of seventy-five,