

to any superannuation fund, and he would be entitled to a two-thirds allowance after a certain period. The hon. the Minister of Justice knows better than I do after what term of years he would be entitled to that. If judges are entitled to these privileges, why should not the Auditor General be, who is practically a judge, whose position is more important and more responsible than that of any judge in Canada, not excepting the Chief Justice of the Supreme Court? In his relations to the people of the country, he has more to do with the rights and wrongs of the people, and has more control over the executive, than any judge in Canada. I contend that the Auditor General should not have to contribute to the superannuation fund. There is no more reason why he should contribute than a judge, there is no reason why he should not have the same privilege of retirement as a judge. The hon. the Minister of Public Works has raised a great many objections, and has taken the ground that the Government should have power of summary dismissal while Parliament is not sitting.

Sir HECTOR LANGEVIN. No.

Mr. CASEY. Yes, the hon. Minister raised this point. He said: Suppose the Auditor General became unfit for his duties; say, for instance, that he became insane during the recess of Parliament. He said: Are we to go on—I understood him to say so—seven or eight months with an Auditor General not fit to perform his duties, and have to wait until Parliament meets before we can have another Auditor General? Well, Sir, apply the same argument in the case of judges. When a judge becomes insane—if such a thing should happen; I do not know that I ever heard of a judge becoming insane—but if, for instance, the Chief Justice of the Supreme Court became insane, what are you going to do with him until Parliament meets? You cannot turn out the chief justice, or the judge of any court in Canada, until Parliament meets again; and we have never had any practical difficulty from that provision of the law. If there is no difficulty in the case of judges, who are so numerous, is it likely that difficulties will arise in the case of this one officer? All the arguments that the Minister of Public Works used to show that the Government should have the right to remove between Sessions of the House, an Auditor General who may be, we will say, insane, or unfit for his duty in any way, would apply to the case of Government removing a judge who had become unfit for his duty in any way between Sessions of Parliament. Of course, a judge who is insane, I suppose, could be put in a lunatic asylum like anybody else, and there would be a vacancy in that case, *ipso facto*, and the same would happen in the case of an Auditor General. If he became unfit for his duty by insanity, he would go to a lunatic asylum. If it was urged that he was unfit for any other reason, then the Minister of Public Works says the Government should have the right to decide whether he is unfit or not; but the existing Act says no decision shall be passed on that point until Parliament meets again, and I think it is proper that no decision should be passed upon his fitness or his unfitness, or in any other respect than insanity, or absolute incapacity of that kind, until Parliament shall meet again. Both the Minister of Public Works and the Minister of Justice have argued at length as to how his superannuation could be accomplished, saying that, in any case, there would have to be an application to the Government and so on. How is it accomplished in the case of judges? A judge, when he chooses to retire at a stated period, resigns and applies for his superannuation allowance. Why not do the same thing in the case of the Auditor General? If you are going to create an analogy between the Auditor General and any other class of officials whatever, if you are going to place him under the regulations which govern any other class of officials, why not put him, in accordance with common sense, under the same conditions as those which

regulate the retirement of that class of officials whose position is analogous to his own? Put him under the regulations applying to judges. If you want to put him under any Act, put him under the Judiciary Act, instead of the Civil Service Act. It must be kept clearly and distinctly in mind that there is no analogy whatever between the position of Auditor General and a civil servant of the highest grade—no matter how highly he is paid or what his duties are. The Auditor General is an officer of this House, put there as a check upon expenditure, and there must be no analogy created between him and any member of the Civil Service whatever.

Sir HECTOR LANGEVIN. The hon. gentleman has misunderstood me, otherwise he would not have made the statement he did just now. I did not say that because an Auditor General might become unfit for his work, the Government should immediately interfere. But I supposed the case of an Auditor General who, after Parliament has been prorogued, becomes insane. Are we to understand that, for the remainder of the year, until Parliament meets again, the Government shall have no Auditor General, that the Public Accounts shall not be audited?

Mr. CASEY. What do you do with a judge?

Sir HECTOR LANGEVIN. I will speak of the judge afterwards. Suppose the Auditor General becomes insane. The accounts still have to be audited, and we must have another. The hon. gentleman asks, if a judge becomes insane, do we have to replace him? Of course not; but all the judges will not become insane at the same time, and if they all became insane at the same time, probably a strong remedy would have to be applied. But the hon. gentleman said the Auditor General must be put in the same position as a judge, and as a judge applies for his superannuation after fifteen years, so the Auditor General should be allowed his superannuation after fifteen years. But the hon. gentleman forgets that although a judge may apply for his superannuation, the Government is not bound to give it. The Government examine whether that judge deserves to be superannuated, whether he may not be fit to continue to serve his country, and if they find that he has no claim to superannuation, they say to him: No, we cannot give you superannuation, because you are fit to continue your labor. The hon. gentleman says that we should put the Auditor General out of the reach of the Executive. But the hon. gentleman would put him entirely into the hands of the Government, because he would authorise us to refuse or to grant superannuation, to reward him for his good services, for dereliction of his duty in being too lenient towards other officials or towards the Government. I think the hon. gentleman has established no comparison between the position of a judge and that of an Auditor General. But there is no doubt that if you want the Auditor General to be as we always wish him to be, independent of the Government for the time being, he should be made subject to the Superannuation Act, and he must contribute as any other officer. Why not?

Mr. CASEY. Why does not a judge?

Sir HECTOR LANGEVIN. He is not a judge, he is an officer. He has never been called a judge, except this evening by the hon. gentleman. He is an officer of the Government, like any other officer, with this exception, that Parliament has declared that he shall not be removed by the Government, but only by Parliament. Very well, but that does not prevent his being put under the Superannuation Act, provided that clause put him under the control of the Executive. But why should he not contribute as well as any other officer? There is no reason why he should not. The highest officers, men receiving the highest salaries, are made to contribute as well as those receiving lower salaries. Let him be put on the same footing as the others.