county court judgeship, although he is more than sixty-five years of age. At the outside he will retire in no more than ten years, because that is the age of retirement for county court judges.

The minister has said that many of the judges would retire now, were it not for the fact they are considering the possibility of an increase in their salaries, and a consequent increase in pensions. To-day in Canada there are six supreme court judges between 80 and 90 years of age; 31 between 70 and 80; 49 between 60 and 70; 36 between 50 and 60, and only 14 under 50. That was the situation only a few months ago. I think one of the reasons for this situation, as the minister realizes, is that these men do not desire to retire because their retirement allowances would be so much less than the salaries they are now receiving. While he said that the adoption of a plan whereby the salary after a certain age would be reduced to the amount of the pension would be an indirect way of doing what could not be done directly, my understanding is that the law officers of the crown have given their opinion that such legislation would be effective and within the competence of parliament.

I should like to make one suggestion in connection with the supreme court. In at least one case recently there has been criticism of the supreme court for not having heard an appeal in a case that was brought before it from the province of Ontario. I think the right of appeal to the supreme court should be enlarged. To-day the situation is this. If a person desires to appeal from a provincial court of appeal to the supreme court he is denied the right of appeal unless a matter of pecuniary or economic interest, present or future, is to be determined. Except where there has been leave by the appeal court of the province, the supreme court is denied the right to grant that leave. Within the last few days, in a case known as Greenlees vs. the Attorney General of Canada, the supreme court decided that it did not have the right to grant the appellant an appeal to the supreme court against a dismissal by the court of appeal of Ontario of his application for a declaration that he was a minister of a religious denomination. The appeal court of Ontario refused this man the right to appeal, and the supreme court, before whom an application was made, stated this in the conclusion of Mr. Justice Kerwin:

> On the ground that we have no jurisdiction to grant leave, application must be refused.

This question has been up before the supreme court on previous occasions, but except where there is a matter of pecuniary or financial interest involved the supreme court has not the same powers as a judge of an appeal court of the province from which the appeal is taken. There should be an enlargement of the right of the supreme court in order to ensure that in spiritual matters affecting the individual the right of appeal to the supreme court shall be granted.

I should like to ascertain from the minister the present position with regard to the application to the privy council as to the power of the parliament of Canada to pass legislation doing away with appeals to the privy council. This matter has been before the court for a very considerable time. The appeal has been before the privy council for many, many months. It was impossible during the war to have the case argued. My recollection is that the minister told the committee last November that the case might be heard in May or June of this year. I should like to ascertain from him what the position is to-day.

There is another matter I would bring up. It has to do with the necessity of there being some review by the Department of Justice of sentences passed by courts martial during the war. In the United States there has been in effect a system similar to that followed here in recent months of having court-martial sentences reviewed by a superior court judge. The review in this country was by a committee the chairman of which was Mr. Justice Keiller Mackay. That committee went about the country and reviewed many of the verv heavy sentences passed by courts martial, sentences often inhuman and unfair; it reduced many such sentences to reasonable proportions and secured a degree of uniformity which otherwise there would not have been.

In the United States, however, proceedings are now being taken to have a review of individual cases of claimed injustice made by groups of lawyers appointed from within the war department but in collaboration with the Department of Justice. There are many cases of unfairness here that have not yet been reviewed. I have in mind officers who were dismissed from the service. Dismissal from the service follows for conduct unbecoming a gentleman, and regardless of the offence and regardless of the injustice of the sentence the officer has no opportunity to have his case presented before Mr. Justice Mackay's tribunal or any other. My suggestion is that these cases should be reviewed. I have in mind sentences passed recently in connection with the army in Holland. Junior officers received heavy sentences, but the senior officer received no sentence. When recently production was asked of the report into this matter by General Montague the government refused production of the report on the ground that the