

the reserve. I may say, however, that such enfranchisements have taken place on the application of Indians from time to time during the last fifty years and we are not aware of any difficulties that have arisen in respect of that situation. The old established reserves where such enfranchisements are likely to take place are surveyed into lots and highways just as in a township. The occupants of these lots have access to the highways and can get about without disturbing their neighbours in any way.

Certainly the clear inference is that once the land is transferred to an enfranchised Indian it ceases to be a part of the reserve.

Hon. Mr. GRIESBACH: The land might be added to the municipality and be subject to taxation, but the municipal officials could not enter on the reserve and build roads, bridges, schoolhouses or anything else. I wonder how the municipality can tax the Indian when it is precluded from giving him any municipal services. The statement by the Deputy Superintendent General is certainly very clear and appears to deal with events that have happened. Perhaps I am merely behind the times.

Right Hon. Mr. GRAHAM: The honourable gentleman from De Lorimier (Hon. Mr. Dandurand) will be here to-morrow. Would my right honourable friend mind allowing the third reading to stand until then?

Right Hon. Mr. MEIGHEN: Not at all.

The motion for the third reading stands.

### JUDGES BILL

#### MOTION FOR SECOND READING

Right Hon. Mr. MEIGHEN moved the second reading of Bill 84, an Act to amend the Judges Act.

Some Hon. SENATORS: Explain.

Right Hon. Mr. MEIGHEN: I do not care to say anything now except of a very general character. I do not know of any problem more difficult to deal with in the hope of producing an absolutely equitable result than the one attacked in the Bill now before us. As is well known, under the state of our law—and in this term I include our constitutional rights—judges of the higher courts of our country are appointed for life or good conduct, by virtue of the enactment of an Imperial statute. The abbreviation of their tenure of office is therefore not something that comes within the unrestrained purview of the Parliament of Canada. Our county courts are established by virtue of general powers vested by Imperial statute in this Parliament and in the provincial legislatures, and under those powers provision was made many years ago

that county court judges should retire from office and accept pension at the age of 75. Because of the different position occupied by the higher court judges, their retirement at a certain age cannot be effected by the same method that applies to county court judges. Consequently a condition of affairs has grown up—it is not a new condition, or one that has not existed before—under which, in some instances, the judges of our higher courts have continued to hold office after reaching an age at which normally the capacities of the individual are not at their best. While certain persons “by reason of strength,” to use the words of the psalmist, have retained their powers undiminished, others have not, and I am informed that there has been a persistent and general complaint that the present system has resulted in injury to the public service. The method adopted by this Bill for the purpose of remedying the situation cannot, of course, do entire justice to all. I have already conceded that there are instances of very extraordinary men who continue to perform their functions creditably and acceptably even after they have reached fourscore years; but as there are not a few instances to the contrary, the law must be general in character and must contain such provisions as appear in the Bill before us.

The Bill provides that judges shall be entitled to retire on full pension at the age of seventy-five, and that those who do not elect to retire at that time shall receive by way of salary no more than the amount of such pension. I am quite aware that honourable members of the House will have in mind certain valued members of the judiciary to whom it would seem unfortunate that this Bill should apply. I can only add that honourable senators should take a broad, general view of the entire problem and measure the totum of advantage or of good against the totum of disadvantage or ill. If they find the latter to outweigh the former it will be their duty, of course, to vote against this Bill. At the same time honourable members should decide whether there is any better way of attaining what is generally believed to be a desirable goal, always keeping in mind the interest of the public service.

Hon. C. P. BEAUBIEN: Honourable senators, I am grateful to the right honourable leader of the House for the manner in which he concluded his brief but clear exposition of this Bill. He said that if any honourable member should consider this measure objectionable from any angle or point of view he was free to follow his judgment and vote against it.