though he may have reached the age of seventy-five, he may continue in active service until he has completed that period.

I shall deal first with the proviso. Had it not been for the proviso, there would have been one instance of manifest injustice. Our law says that a judge who has completed fifteen years of service is entitled to receive full pension.

Hon. Mr. DANDURAND: He may receive; he is not entitled to receive.

Right Hon. Mr. MEIGHEN: He has done all that he is called upon to do to entitle him to retire upon full pension. Manifestly it would be most unfair to a judge who had ascended the Bench on that understanding, which is really a part of his patent, to deprive him of the right to full pension by intervening before the fifteen years had expired. This justifies the exception.

I now turn my attention to the main clause of the Bill. It has been argued in this House, and very powerfully, that judicial appointments are made for life; that they have been so made in respect of the county courts, the district courts, the superior courts of our provinces and also the Exchequer Court and the Supreme Court; that the patent itself makes the appointment for life, and that we should not be justified in breaking the contract with the individual accepting such an appointment. To use the language of the honourable senator from North York (Hon. Sir Allen Aylesworth), any governmental or parliamentary policy departing from this would be a breach of faith. It behooves us to examine this contention very carefully.

I mention now the second argument, namely, that this Bill should be defeated because of its indirection, because it seeks in a circuitous way to attain what the sponsors of the Bill apparently have not the courage to attempt to attain directly.

I shall deal first with the major contention, as I take it, that the Bill involves a breach of faith in declaring to those members of the Bench who have accepted from the Crown a patent vesting in them for life that after they reach the age of seventy-five, though they may continue to sit, they are entitled to receive only partial pay. One cannot deal with this question satisfactorily until one has reviewed the history of the whole subject.

It is true that the appointments to the superior courts are made for life, as, indeed, were appointments to the county courts or the Exchequer or Supreme courts. But the differences are these. We make appointments

to the county court Bench by virtue of our inherent powers as a sovereign State, and as such we can change directly and without restraint the conditions of appointment and the term during which the appointee shall enjoy office. The argument of the honourable gentleman from North York is doubtless good, that while we might have abbreviated the term of office we did not do so, but appointed for life. But many years ago we chose, in the public interest, to depart from that policy to the extent of determining that an appointee to the Bench must retire on full pension upon reaching the age of seventy-five. As to the superior courts of our provinces, our rights being restrained by the British North America Act, we are not able to fix the term of office, as we are in the case of the county courts. A still different law applies to the federal courts. In that sphere our authority is complete. We can terminate the tenure of office of judges of the federal courts, and can say that they must retire at a certain time, whereas we cannot so act in respect of judges of the superior courts of the provinces. If honourable members will keep in mind that simple and, I hope, plain statement of the law, the further review of the subject will be clearer.

As intimated a moment ago, we proceeded to act upon our authority with respect to county court judges about 1912 or 1913. The theory of the change in the law at that time was that at seventy-five a judge had passed the period of his greater usefulness, and that he was being fairly treated if at that age he, not choosing to retire voluntarily, was retired by law upon a pension which in practically every case was substantially more than he had any right to expect at the time of his appointment. What Parliament had in mind, no doubt, was to maintain by some method within its power the efficiency of the Bench, and to secure the maximum good to the public service with the minimum injustice to the individual. The honourable senator from North York was not a member of either House at that time, but many of us were members. I cannot recall any very serious objection being taken to that legislation. I do not say no protest was made, but I remember none. Undoubtedly the legislation was generally accepted as being for the public good.

The next step along the same line was a much more important one. It was taken in the year 1922, when the late Sir Lomer Gouin was Minister of Justice. Sir Lomer Gouin directed his efforts not towards the junior courts, which had already been dealt with,