

held the office, county court judges would not be entitled to it, and surely a lawyer would be just "His Honour".

The CHAIRMAN: I would point out that this discussion has been out of order from the beginning, because the item under consideration is, "Administration, Exchequer Court of Canada," and most of the discussion has been with regard to provincial high courts.

Mr. HANSON (York-Sunbury): Strictly speaking, Mr. Chairman, you may be correct, but I ask for indulgence.

The CHAIRMAN: There should be some relation between the item and the discussion.

Mr. HANSON (York-Sunbury): Looking at page 95 of the estimates, I should like some information about pensions to judges. There does not seem to be any particular item under which we can discuss that. I am puzzled to know why Sir Charles Fitzpatrick, who was for many years a distinguished ornament of this house as Minister of Justice, and subsequently chief justice of the Supreme Court of Canada, should get only \$6,666, while Mr. Justice Smith, who was a puisné judge of the Supreme Court of Canada, gets \$8,000, and my very learned friend Mr. Justice Mignault gets \$12,000. I do not criticize the amounts, but I should like an explanation.

Mr. LAPOINTE (Quebec East): When Sir Charles Fitzpatrick retired to become lieutenant-governor of Quebec, he got the superannuation then fixed by law, two-thirds of his salary. The salary then was not what it has become since for the chief justice of the supreme court. In 1921, the salaries of the supreme court judges were increased to \$12,000 for the puisné judges, and \$15,000 for the chief justice. Then, in 1927 or thereabouts parliament enacted a law retiring the judges of the federal courts, namely, the Supreme Court of Canada and the exchequer court, compulsorily when they reached the age of seventy-five, but it was then enacted that those who had been appointed before this law came into force should retire at that age but with their full salary, because they had been appointed for life at that salary.

Mr. HANSON (York-Sunbury): I should like to point out that under a return brought down here the other day in answer to a question put on the order paper by the hon. member for York East, Canada is paying this year for superannuation of retired judges, \$307,133.30, a rather staggering sum.

Mr. LAPOINTE (Quebec East): Yes. Of course there are the judges both of the Supreme Court of Canada and the exchequer court, and the judges of the various provincial

[Mr. Church.]

superior courts. When they are sick or unable to fulfil their duties, they retire with two-thirds of their salary. Then there are the county court judges all over Canada; when they are seventy-five years of age they have the right to retire with their full salary. When they retire because of illness before they are seventy-five years of age, they receive two-thirds of their salary. It does constitute a quite large amount when the total is shown.

Mr. HANSON (York-Sunbury): It is the law, anyway.

Mr. LAPOINTE (Quebec East): Yes, it is the law.

Mr. WHITE: The Minister of Justice has just pointed out that there has been a great decrease in the amount of litigation, especially in the Supreme Court of Canada. I notice that the salary of the registrar of the supreme court, which is a recent appointment, has been increased by \$1,500. Will the minister please explain that, in view of his own statement?

Mr. LAPOINTE (Quebec East): Under the law, the salary of the registrar of the Supreme Court of Canada is fixed by the governor in council and must not exceed \$8,000. When the Beatty commission investigated the matter of the higher officers in the civil service, it classified the clerk of the House of Commons, the clerk of the Senate and the registrar of the supreme court together, because each had the rank of deputy minister, and recommended that the salary should be \$7,500. Parliament acted accordingly with regard to the clerk of the House of Commons and the clerk of the Senate; their salaries were increased to \$7,500, and now the salary of the registrar of the supreme court is placed on the same basis. Of course the registrar sits in chambers, hears motions and carries on a good deal of the procedure of that court; he has a large staff. I could not very well give effect to that recommendation during the last few years because the gentleman who occupied that position, who was a very good registrar, had reached the age where he should have retired, and each year I had to plead with the treasury board to extend his time for another year. In those circumstances I could not very well recommend an increase in salary. I think this is the right thing to do.

Mr. HANSON (York-Sunbury): There may be something in what the minister has just said as to the reason for increasing this salary, but my recollection is that the Beatty report was made nearly twenty years ago.

Mr. LAPOINTE (Quebec East): Oh, no.

Mr. HANSON (York-Sunbury): Well, long anterior to 1930; I will put it in that way.