

The people of Canada, from one end to the other, are interested in this Bill, and I believe that if they were consulted they would be in favour of it. I certainly am.

Hon. G. PARENT: Honourable senators, I am very much surprised at the remarks of the honourable senator from Parkdale (Hon. Mr. Murdock), for as a rule he is opposed to the incurring of large expenditures. He favours the retirement of a number of judges, which would necessitate the appointment of others to take their place and, in each such instance, the payment of \$16,000 a year instead of \$9,000. As the honourable senator from North York (Hon. Sir Allen Aylesworth) has stated, the increased expenditure resulting from this Bill would represent, if capitalized, a sum of hundreds of thousands of dollars. I would suggest to the honourable senator from Parkdale that we cannot make a fair comparison between judges of the superior courts and railway commissioners or deputy ministers. When a railway commissioner or a deputy minister joins the service of the Government he knows exactly what the conditions of his employment are and when his tenure of office will expire. But it is different with the judges.

In my opinion this Bill is inherently wrong. As I listened to the right honourable leader of the House (Right Hon. Mr. Meighen) when he introduced the Bill I felt that he could, if requested, have made a much stronger case against it. It struck me that the presentation of such a measure was a rather painful duty for him. On the other hand, I was much impressed by the remarks of the honourable senator from Montarville (Hon. Mr. Beaubien). I think he covered the ground thoroughly; all the reasons that would appeal to the legal mind on this question were given by him. If he overlooked anything, the honourable senator from North York (Hon. Sir Allen Aylesworth) has made good the omission.

Therefore it is unnecessary for me to say much on the Bill. Nevertheless, I must state that what it proposes would work a great injustice. Many able judges are on the Bench because they were requested, some of them very strongly, to sacrifice their professional practice in order that the best possible judgments might be rendered the litigants of this country. These judges have been appointed for life, and most of them remain capable as long as they live of fulfilling their duties. On what principle would the Government of Canada be acting if it were to say to some of these men, "You must retire from your position, or, if you refuse, you will be paid only the same remuneration as if you had retired and been pensioned"? Under this

Hon. Mr. MURDOCK.

Bill, although most of the judges who have passed the age of seventy-five years are still highly capable, they would have their salaries cut by about one-third, even if they continued to perform their duties.

In our own province of Quebec we have a number of eminent judges who are more than seventy-five years old. One of these, if I may mention a name, is the Chief Justice, Sir François Lemieux, who is now eighty-two. He has had a long and fruitful career. The lawyers who know him realize that no judge has devoted more time and energy to the dispensing of justice than he. On many occasions when younger judges found it necessary, owing to illness, to take a vacation, Sir François was ready to substitute for them, and he always did so with a great deal of satisfaction to all concerned. Not long ago, after a vacation, he returned to his heavy duties. How many other able judges over seventy-five there are throughout Canada I do not know, but we are all familiar with the name of one other whose reputation is nation-wide. I refer to the Chief Justice of Ontario, Sir William Mulock. I am told there are many others who are quite capable of continuing to carry on their work, but who will be affected by this Bill. If this be so—and I have no reason to believe that it is not—this measure is nefarious, for it commits an injustice towards these men. I do not believe it would be right to confirm what the House of Commons has done and pass this Bill, and therefore I intend to vote against it.

As the honourable gentleman from Montarville (Hon. Mr. Beaubien) has stated, the present law provides a means for the retirement of judges who are found to be incompetent. So long as a judge retains his capacity, his contract with the Government should be respected. In any event, as the honourable senator from North York (Hon. Sir Allen Aylesworth) has suggested, we should not make the Bill retroactive, but, if we pass it, should limit its application to judges appointed in the future. If this were done there could be no charge of violation of contract, for a judge, on accepting his position would know that he was to be retired on reaching the age of seventy-five.

Right Hon. G. P. GRAHAM: Honourable senators, I hope I may not be considered an intruder if I make a few remarks on this Bill from the point of view, not of the Bench or the Bar, but of an ordinary individual who, according to this measure, is approaching the age of imbecility. We are told that this is the day of the young man. But the young men have not been making a very great