

Chief Justice of Canada

Mr. HANSON (York-Sunbury): That is scarcely accurate. He was obliged to retire when he attained the age of seventy-five years.

Mr. ST. LAURENT: He would have been obliged to retire, had not parliament six months before the time arrived enacted the legislation we now ask parliament to amend. At that time, upon his reaching the age of seventy-five years, notwithstanding the legislation passed by parliament in the preceding July, he would have been entitled to retire on full salary—a retiring allowance equal to every dollar he was entitled to receive as chief justice of the country. The country was then at war. The government had already adopted its policy involving the abrogation of the rule under which civil servants under normal circumstances retire at sixty-five years. In those instances where civil servants were considered fit to carry on their work for a further period, they were permitted to do so.

The chief justice consented in 1940 to remain in office, and up to the end of 1942 he continued to perform the duties of his office, under conditions which meant that an additional payment equal to the amount fixed for the office was not being made annually by the Minister of Finance. It is perhaps because of that that the hon. member for York-Sunbury referred to the minister. Up to the present time the Department of Finance has been relieved of a burden of \$45,000.

At the end of 1942, the health of the chief justice appearing quite as good as it had been at any time subsequent to July, 1939, when the legislation was passed, the Prime Minister asked him if he would continue for a further period, if it were the will of parliament that he should do so. He gave his consent.

The hon. member has suggested that the Supreme Court of Canada might possibly be strengthened. I am sure he did not intend to suggest it would be strengthened by placing any other Canadian jurist in the position of the present chief justice.

Mr. HANSON (York-Sunbury): Quite so.

Mr. ST. LAURENT: I am sure the hon. member and all other hon. members agree that this generation in Canada knows no greater jurist than the present chief justice. No one at this time is better qualified than he is to fill the office, and the placing of any other Canadian jurist in his seat would not in any way strengthen the court.

[Mr. St. Laurent.]

These being the facts, it was felt that in view of present conditions, when it is the duty of each of us to contribute to the service of his country in whatever capacity he may be best able to serve, it was indeed fitting to ask parliament further to amend the act so that the chief justice could continue for another year to perform services which are of such great value to the Canadian nation.

Mr. GRAYDON: What would be the normal retiring allowance of the chief justice?

Mr. ST. LAURENT: Under present legislation the normal retiring allowance for justices appointed since 1926 is a portion only of their salaries while in office. But for those appointed to the bench prior to that date the retiring allowance is the full salary.

Mr. GRAYDON: What is the distinction?

Mr. ST. LAURENT: It is a distinction between getting it all or getting only a part.

Mr. GRAYDON: What is the portion?

Mr. ST. LAURENT: The maximum for those appointed since 1926 is two-thirds, while for those who would come under the provisions of the former law it is one hundred per cent.

Mr. HANSON (York-Sunbury): Provided they have put in a certain number of years.

Mr. ST. LAURENT: The present chief justice is entitled by law to an allowance equal to his full salary, and he could have taken that at any time since January 7, 1940. There has not been a day in that period when he was not entitled to retire and to receive an allowance equal to his full salary for life.

The hon. member for Rosetown-Biggart (Mr. Coldwell), the leader of the Cooperative Commonwealth Federation, said that he did not think the people of Canada would approve the continuance of the chief justice in office, and that he would prefer to see a younger man appointed thereto at this time. That may be the opinion of the hon. member, but from conversations I have had with many members of the legal profession since the announcement was made at Christmas time that the government would introduce this legislation it does not appear to me that that is the opinion of the profession. I have met no one who did not rejoice at the thought that the health of the chief justice was such that this move could be contemplated.