

Mr. LAPALME: I was paired with the hon. member for Argenteuil (Mr. Heon). Had I voted, I would have voted for the motion.

SUPPLY

The house in committee of supply, Mr. Golding in the chair.

DEPARTMENT OF JUSTICE

96. Departmental administration, \$199,970.

Mr. FLEMING: The Minister of Justice will recall that when the estimates of his department were before the house last December he made a statement in regard to his intention to introduce a bill with reference to judges' salaries. His words are to be found at page 3473 of *Hansard* and are as follows:

I hope to have a bill dealing with that matter at the next session, to come into force at a later day, not upon adoption. I hope to have it for consideration of parliament at the next session, with the proviso in it that it will come into operation on a day that would appear to be a reasonable one to fix, hoping that the ceilings on salaries would by then have been greatly loosened or removed.

May I ask the minister whether it is the intention to introduce such a measure at the present session?

Right Hon. L. S. St. LAURENT (Minister of Justice): The bill has been prepared, and I hope that a resolution providing for its introduction will soon be recommended by His Excellency for the consideration of the house.

Mr. FLEMING: At the present session?

Mr. ST. LAURENT: At this session.

Mr. FLEMING: There is a problem connected with the matter of judges' pensions of which the minister is fully aware, arising out of the statute of 1944 amending the Judges Act which permitted the judges then holding a judicial office to make an election so that their pensions might be shared with their widows. The effect of the legislation was to confine it to judges then holding office, without affording any opportunity in any of its terms to permit the election to be made by any person who had at the date of the enactment of the amending act been retired as a judge. The form of the legislation was certainly not broad enough to include those persons, and if such persons, namely retired judges were to be included within the scope of such a scheme it would be necessary to introduce legislation in quite a different form. I think, because of the difference between the grant by letters patent of the pension prior to 1944 and the right to pension subsisting under the amendment of 1944. It does not

[Mr. McMaster.]

require any words from me to suggest that there was a measure of injustice to those who had been retired prior to the enactment of the amendment in 1944. It may be that there were reasons pressing on the government and parliament at the time which might have made it difficult to extend the scope of the legislation. But the principle is sound. The principle of permitting judges to make within a given period—in that case I think it was ninety days—an election to share their pensions with their widows so that in the event of their death the portion assigned to the widow could pass to her for life, was sound. I would urge that it ought to be extended to those who happened to have been retired at the date of the enactment of the amendment to the Judges Act in 1944. I am sure that the Minister of Justice must take a sympathetic view of these cases. I would ask if it is not possible for the government to indicate whether it is proper to widen the scope of the principle which received effect in the 1944 amendments? This need not be made compulsory any more than section 26A of the act as enacted in 1944. It would be purely optional to give those who are retired an opportunity, within a reasonable period, say, ninety days, to make a similar election.

Mr. ST. LAURENT: There are two matters in that connection which have been under consideration and which, I hope, will come to be dealt with before very long. One is the position of those who had retired prior to the amendment made in 1944, and who are still with us and able to make an option. The other is with respect to widows of judges, and there are several. There are a large number of judges who died before there was any section in the act permitting them to make this kind of provision. I think both will have to be considered together. I consider they are desirable things to be done, but they are not the only desirable things before the government for consideration and study, and I did not feel it would be an opportune time, at this session, to ask parliament to deal with those judges who had retired prior to 1944 and with the widows of those who had died before the 1944 statute was adopted. There were suggestions and proposals for the establishment of a system of old age pensions on a contributory basis among the things suggested to the dominion-provincial conference. Had something definite and generally satisfactory become possible as a result of that conference, I then would have felt it much easier to bring before parliament a measure to make provision for those widows and judges. I hope there will come a time, at a not too remote period,