

think it is just the other way about. In my view the honourable members of this Chamber, whose function and duty it is to help make the laws of this country, have a responsibility at least equal to that of the judges on the Bench, whose duty it is to interpret the laws. Furthermore, under the constitution, in case of impeachment we are the judges of the judge. It is to this Chamber that the question would come for decision: Has the judge so misconducted himself that he ought to be no longer in office? I think I am justified in the position I have indicated, that there is certainly upon the individual members of this Chamber as much responsibility as upon the judges of our superior courts, if not greater responsibility.

I would direct the attention of honourable senators to this fact. We have, by actual count, nineteen members of this Chamber who have passed their seventy-fifth birthday. Eleven of those honourable gentlemen sit on one side of the House, eight on the other. I am one of the eight. Of course, I cannot ask anybody to express himself as to the fitness of the eight honourable gentlemen, but I will just remind you of what you all know—that among them are leading members of this Chamber. Then take the eleven old gentlemen who sit on the other side of the House, and again, if you look over their names, you will find among them some of our most distinguished and most active members. I am willing to put my case to my colleagues who sit beside me on this side of the House. Is there one of you who can say that of the eleven honourable gentlemen I have indicated a single one has so deteriorated intellectually by reason of advancing years that he is not perfectly competent to fill the position he now occupies?

The same thing is true of the members of the Bench, so far as I am acquainted with them. There are fifteen, it is said, in the Dominion. The numbers for each province were given by the Solicitor General. Six of them are in the Province of Ontario and one is in the Province of Saskatchewan. With each one of those seven I am intimately acquainted, and I may say that with each one of them I have had the privilege of lifelong warm personal friendship. I am content to say—not bold to say, because everybody knows it—that those seven men, the one from Saskatchewan and the six from Ontario, are to-day among the most learned, most efficient, most experienced and ablest judges in Canada. If we pass this measure it will mean that simply because each one of those men has passed his seventy-fifth birthday the country is to lose his services or he is to be

forced to take a salary substantially lower than that received by his most junior colleague. It is not fair, it is not reasonable, it is not in the interest of the country that it should be done. Speaking for myself, with no other personal interest in the matter than that of friendship, I protest against it and say that this measure ought never to have been introduced.

The only real argument or excuse offered in favour of it in the other Chamber just shows the danger of taking the first step. It was said: "We are going to do this because you did it. You have done it before, in the case of the federal courts—the Supreme Court and the Court of Exchequer; now we are going to do it in the case of the superior courts of the provinces." In exactly the same way, when the corresponding measure with regard to the federal courts in Ottawa was introduced and passed in the other House, it was said to be justified because the previous Government had done the same thing in the case of the county judges. That was what the honourable gentleman whom I alluded to wanted me to do twenty-five years ago—to start with the county judges, and, I suppose, to work upwards, just as has been done up to the present time, when we have the culmination of it all in the present Bill.

It is a very unpleasant thought that this is a step which no one would be willing, I suppose, to undertake to put into force by direct enactment. At any rate, this Bill does not pretend to say that every judge who completes his seventy-fifth year must immediately retire. It goes about the matter by a circuitous route, in a fashion which I cannot help saying is unworthy of Parliament. It is just the same kind of whipping the devil round the stump that we had a year ago in the matter of reducing the judges' salaries, or of putting upon them instead an extra ten per cent tax. I protested against that a year ago, and I cannot help protesting again, because I think that if the present measure simply enforced immediate resignation very few indeed would be found willing to support it.

A great many people think, and after reading the remarks of the Prime Minister in the House of Commons I cannot help forming the opinion that he thinks, that the salary we pay to our judges is a matter of contract and that the lowering of that salary would be a breach of contract as between the individual judge and the Parliament of Canada. I am not willing to say that I think otherwise. But I do not like putting it upon that ground. It may be that in many respects the appointment of a judge or his acceptance of office is in the nature of a contract on his part to serve