

are considered. We think that the salary is completely justified.

The effect of this legislation is that the ten-year tenure of office on the board of transport commissioners remains unchanged. Mr. Justice Archibald will become chief commissioner of the board, but only for a ten-year period. He will be eligible for reappointment at the end of that ten-year period, but whether or not he is reappointed is a matter for the future to disclose. If he ceases to be chief commissioner at the end of this period, he takes up his duties as a judge of the exchequer court.

The position he is taking as chief commissioner of the board of transport commissioners is almost wholly a judicial one, and I cannot imagine anything in the duties of the position that would unfit him for the discharge of his duties as an exchequer court judge at the end of his tenure of office as chief commissioner. Indeed, there is much in the experience which a commissioner gains on the transport board that would be of benefit to him in the Exchequer Court of Canada. Of necessity he must travel all over the country; he is dealing judicially with a large number of transactions which affect the financial or economic interests of people in all parts of Canada, and the work seems to be to some extent along the line of the work of a judge of the exchequer court.

The more the idea was explored, the more unobjectionable this solution seemed to be. It seemed to answer the question. It means that there will be one more exchequer court judge. If the work of the exchequer court continues to increase, it may very well be that in any event there ought to be another exchequer court judge. A great many cases are in arrears in the exchequer court at the present time. That situation, however, is not being met by this appointment, because Mr. Justice Archibald will devote his whole time to his duties as chief commissioner during his occupancy of that office.

Mr. KNOWLES: And if he goes back to the exchequer court, another judge will come to this position.

Mr. ILSLEY: If he goes back to the exchequer court we have to obtain the services of another exchequer court judge as head of the transport board. We keep the office of head of the transport board on the level of an exchequer court judge instead of, as now, on a somewhat different level. The qualifications are high. At the present time no one can be appointed chief commissioner unless he has had ten years' experience at the bar of Canada. He may, at the moment, be a judge, but he cannot continue in that capacity. This legislation enables him to continue to be a judge.

[Mr. Ilsley.]

What this legislation does is to make it possible to get a competent judge to assume these duties, and this would be practically impossible under the existing legislation.

Mr. FLEMING: The proposal made by this resolution has all the earmarks of legislation intended to meet a particular case, to make it possible to induce Mr. Justice Archibald to accept the appointment of chief commissioner. That, according to the proposal of the Minister of Justice, will involve the amendment of no fewer than three statutes. When we start amending general statutes to meet particular cases I submit we are short-sighted. Situations may arise that we may later regret.

It is a matter of regret that the government saw fit to announce the intended appointment before parliament has even opened up the way by enactment of legislation to make the appointment possible. Announcements of that kind may prejudice discussion. Under such circumstances no one wishes to say anything that might seem to suggest lack of confidence in the proposed appointment. So far as Mr. Justice Archibald is concerned, what I have to say about this measure is said without the slightest reflection upon him or upon his fitness for the important position of chief commissioner. But there are several aspects of the matter that make me feel that the expedient proposed by the Minister of Justice is not a sound one. It will involve the creation of a number of anomalies. Within the board itself, it means that appointment to the office of chief commissioner is to be restricted to selection from the panel of judges in the exchequer court. To that extent it represents a considerable narrowing of the field from which future chief commissioners may be selected, and I think it is unwise to confine the field within such proportions. The time may come when there will not be on the panel of the exchequer court a judge who has the qualifications required to discharge the functions of chief commissioner, and I think it is a mistake for us now to enact legislation that will have the effect of narrowing so greatly the field of choice.

Another anomaly which will be created has to do with the relative status of members of the transport board. At the present time the terms are uniform, ten years. The Minister of Justice has indicated that the appointment of chief commissioner will continue to be for a ten-year period. Nevertheless this legislation will result in discrimination among the different members of the board. It proposes that the chief commissioner shall have life tenure as a judge. As a judge he has security to which he can always return at the conclusion of his ten-year term as chief commissioner