

Does my hon. friend think that a judgment of the board of transport commissioners, because there is wide interest in it, will drag down the Exchequer Court of Canada if at any time Mr. Justice Archibald functions as an exchequer court judge? I do not believe it for one moment. There are judgments of the courts which are most unpopular; judgments holding that the provisions of certain statutes are unconstitutional; judgments affecting the economic interests of thousands, and perhaps hundreds of thousands, of Canadians. That does not drag down the courts. It may be an unpopular thing, but so long as the public is satisfied that the man is an honest man, that he is acting independently, that he is not under the domination or dictation of the government, it does not discredit the courts; it does not hurt the courts in any way.

I think my hon. friend's views are—I used the word once before—extreme. I think they are extreme in this regard. He may think my views are extreme. But surely there are great advantages in appointing to a court such as this one who remains independent and whose judgment creates confidence in the minds of the public. If the public give the government credit for appointing that kind of man, perhaps that furthers the political purpose of the government, but only because the government did the right thing—that is all. We cannot refrain from doing the right thing because the purpose is sometimes political.

Mr. KNOWLES: You do the other thing.

Mr. DIEFENBAKER: I did not intend to join in this discussion, although what has been said from this side of the house represents the opinion held not only on this side but in many parts of the country as well. I realize that the minister has been so long allergic to this kind of thing that any criticism of his actions in this regard, or any criticism of the government, is regarded as extreme.

I would point out, and I follow the hon. member for Stanstead in this regard, that too often the judiciary has been used by the government in setting up commissions on political matters, the result of which has been detrimental to the certainty with which the people of this country should regard the independence of the bench.

If the minister would like to read his own statements in that regard, I remind him that in 1932 or 1933—they are not before me at the moment—he was one of those who, from this side of the house, spoke with that directness which he can use on occasion against the findings of a judge, and he pointed out then that a judge who takes the position of a commissioner ceases to be sacrosanct so far as his conclusions are concerned.

Mr. ILSLEY: His recommendations.

Mr. DIEFENBAKER: Whether it is recommendations or not, when these recommendations are subject to attack, the result is that the judge himself is placed in a position that denies that independence of the bench which is so necessary to the even administration of justice. Administration of justice consists not only in justice being administered but in the fact that the people as a whole believe that justice is being administered.

We have discussed this subject before, and the minister rouses himself when any question is raised that parliament on occasion is treated with contempt by this government. He becomes quite angry. He wraps himself in the cloak of an assumed wrath. He smiles now; that fits him better. I say this to him. What we have here is a strange procedure. Parliament decides that ten years is the proper period. If independence is what is asked for, why is not the position made for life? Why place members of the exchequer court in the position that they or some of them will be picked out ten years from now? You maintain the independence of the exchequer court by holding before its judges the opportunity to become chairman of this board!

In the past few years we in this country have suffered from the erosion of parliamentary rights. The other day the Prime Minister gave a statement to the press on the outcome of certain recent by-elections, and he indicated that the course of action of the government is not rightly understood; but he also indicated that ultimately, in the unfolding of events, the rightness of the administration will be established. I say to you, sir, that they do not do this in Great Britain.

Mr. ILSLEY: Do not do what?

Mr. DIEFENBAKER: Place judges in the position of being translated from one office to another.

Mr. ILSLEY: Is the hon. gentleman sure of his facts?

Mr. DIEFENBAKER: Yes.

Mr. ILSLEY: He is quoting the hon. member for Stanstead, but my understanding is that judges are appointed as heads of royal commissions in Great Britain.

Mr. DIEFENBAKER: They are appointed from time to time as heads of royal commissions.

Mr. ILSLEY: Yes.

Mr. DIEFENBAKER: Absolutely; there have been occasions, but not when it is a question of political implication or as a