

This Bill is modelled after the Railway Act. It is practically a copy of the Railway Act adapted to the particular purposes for which the Bill is proposed. All the working machinery is similar to that of the Railway Act.

Sections 1, 2 and 3 were agreed to.

On section 4—appointment:

Hon. Mr. WATSON: Why is it necessary to have as Chief Commissioner a barrister of ten years' standing?

Hon. Sir JAMES LOUGHEED: Questions of law are involved in the administration of this measure just as much as in the administration of the Railway Act, which contains the same provision.

Hon. Mr. WATSON: It seems to me that a good, practical business man would be better for this position than a barrister.

Hon. Sir JAMES LOUGHEED: This requires familiarity with the statute law of Canada and likewise of the provinces.

Hon. Mr. POWER: "And whenever he has acted it shall be conclusively presumed that he has so acted in the absence or disability of the Chief Commissioner." I think it should be only prima facie evidence; otherwise a commissioner might be guilty of a fraudulent act of some sort, and nothing could be done about it.

Hon. Sir JAMES LOUGHEED: If he has acted in the Chief Commissioner's absence, the fact is quite obvious. This is only a presumption anyway, and might be rebutted.

Section 4 was agreed to.

Section 5 was agreed to.

On section 6—quorum:

Hon. Mr. BOSTOCK: Subsection 2 reads:

The Chief Commissioner, when present, shall preside, and a commissioner, in the absence of the Chief Commissioner, shall preside.

Is that not awkwardly worded? If the Chief Commissioner is absent, would it not be better to leave it to the other two commissioners to decide who should preside? As I understand it, it is provided that the board shall consist of three members, but two may form a quorum. This means that when the three members are present the Chief Commissioner shall preside. When he is absent had the other commissioners not better decide between themselves which is to preside?

Hon. Sir JAMES LOUGHEED: That is what they have to do.

S—59

Hon. Mr. BOSTOCK: Why is it necessary to put that in at all?

Hon. Sir JAMES LOUGHEED: So that they may have no dispute.

Hon. Mr. BOSTOCK: When you only say, "a commissioner," you do not provide anything.

Hon. Sir JAMES LOUGHEED: It might be said that the senior member should preside.

Hon. Mr. BOSTOCK: That might be better.

Hon. Sir JAMES LOUGHEED: But the senior member might be the less desirable of the two. I think it is all right as it is.

Section 6 was agreed to.

On section 8—residence:

Hon. Mr. POWER: I think that to keep the commissioners in Ottawa during the sort of weather we have had recently is unjustifiable cruelty. There might be a provision that when the thermometer reaches 90 degrees a commissioner may go elsewhere.

Hon. Sir JAMES LOUGHEED: That might be extended to members of the Senate.

Section 8 was agreed to.

On section 9—whole time to be devoted to duties:

Hon. Mr. BOSTOCK: The end of that section says: "and shall not accept or hold any office or employment inconsistent with this section." Surely it would be better that they should not accept or hold any other office or employment. According to the wording of that clause, it seems to be implied that they may hold certain offices or engage in other employment besides acting as commissioners. I presume these commissioners will be paid salaries?

Hon. Sir JAMES LOUGHEED: A commissioner might hold an office in a church or something of that kind. This is simply to remove any doubt. To require that a commissioner shall devote the whole of his time to the performance of his duties under this Act might imply that he could not hold any honorary office or anything of that kind.

Section 9 was agreed to.

Sections 10 to 19 were agreed to.

Hon. Mr. DANIEL: Will this board, like the Exchequer Court, move from one place