

ten years for the chairman, as for the other members of the board. It might be said that we could put this salary away up so that a judge would consent to take a ten-year appointment because he could afford to do it, since he was being paid so much money while he was there. I do not think that plan would work, nor do I think it would be acceptable to the house.

It might be said that we should amend the superannuation act to make special provision for this particular class of official. That would involve special legislation. All things considered we thought that this plan had fewer disadvantages than any practicable alternative. It may be possible for us to get a judge. The Railway Act contemplated the obtaining of judges for these eminently judicial positions. The board of transport commissioners is a court of record. Its work is not the same as that of the exchequer court, but it is along the same line. I do not mean that only persons with experience as exchequer court judges should be appointed, but rather persons who are qualified to be exchequer court judges.

Another thing we considered was whether we should say that only an exchequer court judge may be chief commissioner, or that the chief commissioner may be an exchequer court judge.

Mr. HACKETT: If the minister will permit a question, when was the legislation passed making it possible for a judge to be appointed to the board?

Mr. ILSLEY: I think it is in the section dealing with the chief commissioner. I take it for granted that it was there from the beginning. The act was passed, if I remember correctly, in 1903.

Mr. HACKETT: I believe that judges in the past have always resigned their judicial positions upon accepting appointment to the board.

Mr. ILSLEY: That is right. There is a provision in the Judges Act, and I think also in the Exchequer Court Act. The point I am making is perhaps a little obscure, but the act contemplated the possibility of appointing judges, not those who would continue to be judges, but judges who were qualified for an appointment of this kind. This legislation makes it possible for us to get a judge. Otherwise it would not be possible.

Mr. POULIOT: Why not as an alternative appoint a retired judge who is physically and mentally fit?

Mr. HACKETT: Mr. Chairman, I want to say a word on one aspect of this question. I have spoken to this point on many occasions, and with increasing conviction and ever-growing sadness as I have contemplated the inroads upon the reputation of the bench and the undermining of the judiciary by calling upon its members to perform duties and functions which are not inherent to the high office which is theirs. If it be desired to appoint a judge to the board of transport commissioners, let him cease to be a judge. That is what has happened in the past. I can see no objection to taking for this office a man with judicial experience but I can see every objection of his continuing to be a judge when occupying an office which is subject to all the influence and all the machinations and all the goings and comings to which the board of transport commissioners is subject. If anybody doubts my word, let him cast his mind backward just a few weeks and think of the things that were said in this house and the things that were done with regard to the freight rates decision, and think of the influences that were brought to bear upon the board and upon the government, and upon the government with regard to the board.

The government is seeking to bring to the solution of this particular difficulty the high office of the judiciary, and by so doing it is exposing that institution to great damage and disrespect. It is not necessary that a judge continue to hold judicial office to preside over the board of transport commissioners. If it is sought to appoint a judge to that position, it is solely for the purpose of bringing to the solution of the difficult political issues which arise out of rate-making the dignity of the judiciary and the great respect which the Canadian people have for that institution. The high and well-deserved reputation of the Canadian judiciary is being exploited to solve a political difficulty. I do not like to use harsh language. Mr. Chairman; I do not like to make statements that are unnecessarily blunt. But I can mention several instances, and give details of time and names, within the life of this parliament which have brought no honour to the judiciary, and in which members of the judiciary have been used and exploited for political purposes. It is time that that practice cease.

I think I know the right hon. gentleman who presides over the destinies of the Department of Justice, and I believe that these practices must be as repugnant to him as they are to me. There comes a time when other considerations should outweigh political advantage. Everybody knows of the problems