

Railway Commissioners of Canada. I think experience in the past has shown us that eminent judges who have served in the position, for instance, of chief commissioner of the railway board have rendered very valuable service to the country; I mention Mr. Justice Killam, the late Mr. Justice Mabee, and the recently retired Chief Justice McKeown. Section 27 of the Judges Act provides:

If any person become entitled to a pension after the first day of July, one thousand nine hundred and twenty, under this act, and become entitled to any salary in respect of any public office under His Majesty in respect of his government of Canada, such salary shall be reduced by the amount of such pension.

Should it become desirable to appoint a judge of one of the superior courts of Canada to the position of chief commissioner or assistant commissioner of the railway board, such appointment might endanger the position of that judge in respect to the retiring allowance which he has already earned. The intention of the amendment is to cure this defect by providing that the section which I have just read shall be amended so that the status quo of the judge in respect of the retiring allowance which he has already earned shall be preserved. He will continue in his new appointment, and at the end of his term in that appointment will receive the retiring allowance which he would have received if he had continued as a judge. The bill which has been prepared and will be introduced if this resolution is adopted mentioned the two positions of chief commissioner and assistant chief commissioner of the Board of Railway Commissioners of Canada, and it is drawn so as to enable the country to utilize the services of eminent members of the superior courts of Canada without reducing the allowances to which otherwise they would be entitled.

Mr. STEWART (Edmonton): I believe that in the case of Judge McKeown who has just retired the pension was extended to the amount of salary he drew as chairman of the railway board. At his retirement that provision came into effect. Does this mean that while the incumbent in office is in receipt of a pension as a retired judge he will draw the salary of the commissioner plus the pension?

Mr. GUTHRIE: He will draw the salary of a chief commissioner. However, his time spent as chief commissioner will count as if he had still continued to be a judge. That is what it amounts to.

Mr. HEENAN: In other words, he will not lose his right of pension?

Mr. GUTHRIE: Yes, that is right.

Mr. STEWART (Edmonton): In the event of a person not having served the full term up to the age of seventy-five years, or in the event of serving only fifteen years and being appointed to a position of this character, will his term as commissioner count for retirement purposes? I believe the age of seventy-five years is the maximum at which a judge may serve?

Mr. GUTHRIE: Yes, his term served as commissioner will count just the same as if he had served as a judge.

Mr. BENNETT: By statute the railway commission is a court of record.

Resolution reported, read the second time and concurred in. Mr. Guthrie thereupon moved for leave to introduce Bill No. 40, to amend the Judges Act.

Motion agreed to and bill read the first time.

SOLDIER SETTLEMENT ACT

Hon. W. A. GORDON (Minister of Immigration and Colonization) moved that the house go into committee to consider the following proposed resolution:

That the Soldier Settlement Act be amended to abolish the soldier settlement board and provide for the transfer of its powers, functions and privileges to an officer to be called the director of soldier settlement, who shall be paid such salary and at such rate per annum as the governor in council shall fix and allow.

Hon. P. J. VENIOT (Gloucester): I would like to have an explanation of this resolution. Perhaps we could have it in committee, but if the minister is in a position to give it, I would prefer to have it now. I see that the governor general in council shall fix the rate per annum of salaries. Why is this salary not fixed under the Civil Service Act?

Mr. GORDON: In answer to the hon. member I reply that this department of the government never operated under the Civil Service Act. There may be arguments advanced why it should, but at the present time the government, through my department, is endeavouring to reorganize the soldiers settlement board with a view to cutting down the expense of administration and, I believe, to giving greater service and having greater efficiency in the administration of the board and of its funds.

Mr. VENIOT: I have no objection to the motion going through, but we will have a better chance to discuss it in committee.

Motion agreed to and the house went into committee, Mr. Hanson (York-Sunbury) in the chair.