

Mr. MACDONNELL (Muskoka-Ontario): That may be all very undesirable.

Mr. ILSLEY: There is no way of avoiding it. If I were a member of the Exchequer Court of Canada I would not regard the additional pay here as a plum. If I had my mind on money, I would not take that job on a bet. If I were a member of the Exchequer Court of Canada I would stick right there. If I were not interested in doing a job for the country I would never think of moving from the Exchequer Court of Canada over to the board of transport commissioners, with all the grief there is there and all the difficulties there are there.

The hon. member seems to think we are making provision here by which a judge takes a sort of non-judicial or political appointment. The board of transport commissioners is itself a court of record. He is a judge; when he is chairman of the board of transport commissioners his work is judicial.

My hon. friend from Lake Centre is talking about the dangerous precedent which will be established by adding to the bench in the provinces in order to give political jobs.

Mr. DIEFENBAKER: I said there could be.

Mr. ILSLEY: As a matter of fact there could not, because the constitution of the courts of the provinces cannot be changed by us. It has to be changed by the province. We cannot do it.

Mr. DIEFENBAKER: That is right.

Mr. ILSLEY: But if we could, this does not create any additional precedent because we are not putting a judge into a political job. We are putting him into a judicial job. This is the only way we can get the necessary quality and the necessary independence, when you consider the salary we pay, the superannuation, and all that kind of thing.

What would my difficulty have been, or that of the Minister of Finance or the Minister of Transport, if they had brought in that program? We would be on the other side then. I knew the hon. member for Stanstead and the hon. member for Lake Centre would come forward with this idea, that you should not use judges for anything else. But I would say to my hon. friends: do not just let habit of mind dictate what you say on everything. Look at the merits of the case. Have a little bit of adaptability, so that you can look at the real merits of this proposal. Do not apply preconceived rules to every situation. This is a case in which your rules do not apply.

[Mr. Ilsley.]

The DEPUTY CHAIRMAN: Shall I report the resolution?

Mr. DIEFENBAKER: No.

Resolution reported, read the second time and concurred in. Mr. Ilsley thereupon moved for leave to introduce Bill No. 347, to amend the Railway Act, the Exchequer Court Act and the Judges Act, 1946.

Motion agreed to and bill read the first time.

At one o'clock the house took recess.

The house met at three o'clock.

REVISED STATUTES

PROVISION FOR COMMISSION TO EFFECT REVISION

Right Hon. J. L. ILSLEY (Minister of Justice) moved that the house go into committee to consider the following resolution:

That it is expedient to present a measure respecting the Revised Statutes of Canada, to thereby establish a commission to effect such revision and to authorize remuneration to be paid the members of the commission, assistants, officers, clerks and employees.

Motion agreed to and the house went into committee, Mr. Golding in the chair.

Mr. MARQUIS: Mr. Speaker, to my mind this is one of the most important enactments of the present session, and for this reason I would be remiss in my duty if I did not say a few words with respect to it.

There is no doubt that the revision of our federal laws is long overdue, although there are many reasons why it could not have taken place before. The great war which we had to go through, the resultant uncertain period which has followed, and the temporary nature of the greater part of our emergency legislation in consequence thereof, have all contributed to the delays. I wish, therefore, to thank the Minister of Justice (Mr. Ilsley) and to congratulate him upon having initiated this important and advantageous enterprise before his retirement. This work will be the crowning opus of a parliamentary career so rich in learned and useful contributions to our federal legislation for well over twenty years.

All those who are affected by our federal legislation—and that means practically every Canadian, but more specially the judges and magistrates who have to apply the laws, and the lawyers, businessmen and administrators of all kinds who are in daily contact with them—will, I am sure, be thankful that their duties will have been made easier by the revision.