

sarily mean that the minister or the government is eliminating finally any of the recommendations of the report.

Mr. ILSLEY: That is correct. It does not mean that we are definitely and permanently opposed to those recommendations. I think at the present time the step we are taking is the proper one. I do not believe it is possible at the present time to centralize in the federal authority control of all the prisons in Canada. I do not think it is possible, and I do not think it is desirable. The time may come when it is both, and when that time comes we may have an elaborate organization here at Ottawa; we may have a board and conduct all the parole activities of the country from Ottawa. That may happen, but I am not advocating it at the moment. I agree with the hon. gentleman that when we start in this way it does not mean that we are eliminating the possibility that something else may come in time. It may.

Item agreed to.

Pensions and other benefits—

107. William Tatton, \$564.

Mr. McMASTER: With the consent of the committee, I should like to speak for a moment on the question of pensions under the Judges Act, which is a statutory vote. I have taken so little of the time of the house in the past that I feel I might be allowed five minutes to speak about one judge of the supreme court of Ontario. Tonight a certain amount of criticism has been levelled at judges because of the way in which they have performed their work, but the judge of whom I am about to speak was never criticized by any person. Mr. Justice Middleton has the unique distinction of being the only living retired judge of the supreme court of Ontario. There are twenty-three judges on the bench of that court, and perhaps, because there is no retiring age, he is in that position. I have often felt that it would have been a great loss to the province of Ontario if Mr. Justice Middleton had been compelled to retire at the age of seventy-five. He carried on for many years after reaching that age, and when he felt unable to continue to render the best service to the country he voluntarily retired, and has now reached a very advanced age.

I believe many members of the bar intended at some time to offer some testimonial to Judge Middleton, but because of the war and the dislocation following the war this has never been done. So I hope no one will think it presumptuous on my part to say something about him in this parliament of Canada. Mr. Justice Middleton was an outstanding mem-

ber of the bar in the latter part of the last century. His work at Osgoode Hall, both in practice court, in single court and in the court of appeal, was outstanding. He was appointed to the bench in the first decade of the present century by the then minister of justice, who at the present time is a distinguished member of the other place and who, I think, himself should have some testimonial or something said about the great work he did. The minister of whom I speak, then Mr. A. B. Aylesworth, left a large and lucrative law practice to become minister of justice, and during the time he was in office performed his duties in a way that every minister of justice would do well to emulate, as I believe they have tried to do since.

Immediately after his appointment, Mr. Justice Middleton presided in *nisi prius* cases. He became a trial judge. He had not practised a great deal in such cases before his appointment, but immediately became distinguished and popular because of the way in which he handled the cases which came before him. He was kind and amiable to the litigants and to the counsel who appeared before him, and he earned an enviable reputation because of his judgments. On one occasion an officer of the court told me he complained because so many of his judgments were being overruled; but the obvious answer was, of course, that he tried about three times as many cases as an ordinary judge. Later he was elevated to the court of appeal, and in that position carried on with the same industry and learning he had displayed as a trial judge. Several years ago he voluntarily retired, after a long tenure on the bench. As the hon. member for Rosedale interjects, he was always expert in rules of practice, and his advice while sitting as a judge was sought in many cases by his brother judges. I feel that the bar and people of Ontario would wish that I, on their behalf, should express their appreciation of his service whilst on the bench.

While I am on my feet, I should like to speak about another judge who also occupies a unique position in Ontario as the only living retired judge of the county court of the county of York. In his case, because legislation specified the retiring age of judges of the county courts, he was compelled to retire at the age of seventy-five years, and by his retirement the people of York county lost the services of a judge who could have carried on for many more years. I am referring to Mr. Justice Jackson, who is a great personal friend of mine. And may I add that one of the happiest events of my being in parliament is the being able to express in these inadequate words the appreciation of