

Hon. Mr. BEIQUE—This was borrowed from the English Act, and under the English Act, one commissioner is called the ex-officio commissioner. He has to be a judge, and therefore the Act is quite logical, but clause 10 should be amended by adding in the third line after the word 'and' the following: 'if the chief commissioner is a lawyer.'

Hon. Mr. FERGUSON—There would be nothing in the Act to prevent the government appointing two lawyers—in fact they might appoint three lawyers. Lawyers manage to squeeze themselves in if there is any position like this, and it would not surprise me a great deal to find three lawyers appointed. In that event, what would we have? One would be supreme on all questions of law and yet the other two might be better lawyers than he was.

Hon. Mr. CLORAN—Supposing the lawyer was a farmer?

Hon. Mr. FERGUSON—In that case we would not give him credit for being a very good farmer. If the chief commissioner is to be a lawyer, let the Act say so distinctly and then that his opinion shall carry on points of law.

Hon. Mr. POWER—I take the same view as the hon. gentleman from Marshfield. The rules of the Senate allow us to reconsider a clause which has been adopted. I am not going to ask the committee to reconsider it now, but I ask to be allowed to submit my own idea as to the way in which this particular difficulty and some other difficulties might be got over. When we were dealing with clause 8 in the committee before I called attention to what I thought was the somewhat unskilful way in which the clause had been drafted, and I simply have made a rough draft of what I think should be in that clause and the committee might consider it at some future time. The clause reads as follows:—

8. The Railway Committee of the Privy Council is hereby abolished and, in lieu thereof, there shall be a commission, to be known as the 'Board of Railway Commissioners for Canada,' consisting of three members who shall be appointed by the Governor in Council, at any time after the passing of this Act, and from time to time as vacancies occur. Such commission shall be a court of record, and have an official seal, which shall be judicially noticed.

I should strike out all the words in the clause after 'noticed,' and insert the following:

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(2) The term of office of a commissioner shall be ten years, but a commissioner may be removed by the Governor in Council for cause before the expiration of such term. A commissioner shall be eligible for reappointment on the expiration of his term of office: provided that no commissioner shall be capable of holding office after attaining the age of 75 years.

Then subclause 3 would be as follows:

(3) One of such commissioners shall be a barrister of not less than ten years' standing, shall be appointed by the Governor in Council, and shall be entitled to hold the office of chairman as long as he continues a member of the board. Another of such commissioners shall be a railway engineer of not less than seven years' standing; and the third commissioner shall be an experienced farmer, or business man. One of such two last mentioned commissioners shall be appointed by the Governor in Council deputy chairman of the board.

I think 'chief commissioner' is a clumsy expression. If that change is made in clause 8 then the amendment the hon. gentleman suggests to clause 10 would be unnecessary, except to call him the chairman instead of the chief commissioner. An additional proposition is to strike out the words 'chief commissioner' wherever they occur and substitute the word 'chairman.'

Hon. Mr. KERR (Toronto)—If we made that change in this clause we would have to change several clauses.

Hon. Mr. LOUGHEED—Could not my hon. friend be persuaded to make one of those a railway man?

Hon. Mr. POWER—I might have said 'railway engineer.' A railway engineer is generally a civil engineer. With respect to the suggestion made by the hon. gentleman from Toronto as to the term chief commissioner occurring in a great many places, as a matter of fact it only occurs in a couple of clauses. I am not moving in the matter. The hon. Secretary of State says that this clause has been passed. I took the precaution to say, before I made the suggestion, that under our rules any clause could be reconsidered before the Bill has been reported.

Hon. Sir MACKENZIE BOWELL—There is one serious objection to the proposition of the hon. gentleman from De Salaberry. The chairman of this commission might be—and it seems to me it would be much better that he should be, a practical railroad man.

Hon. Mr. SCOTT—Hear, hear.