

*Tariff Board*

My right hon. friend concluded his remarks with words which I shall use in concluding mine.

As I say, it is with regret that one has to deal with this matter as a matter of principle with respect to this particular legislation, and I have endeavoured to assure the Prime Minister that it is because we believe a principle should be laid down which will be of very great value in this country at this time, when there is a tendency to entrust public moneys in large sums to commissions, that we are impelled by whatever sense of duty may actuate us in the discharge of our obligations here to move this amendment.

If he will just substitute for the words "tendency to entrust public moneys in large sums to commissions", the words "tendency to confer very large powers upon a board which will act independently of the government of the day," he will have the added emphasis which I should like to place on his own words.

I realize my right hon. friend has behind him the numbers which will enable him to have his own way with respect to anything he may wish to do. But I would say to him, that having in mind the good he hopes will come out of this particular measure and the general approval which he trusts the country will extend to it, he should consider this matter a little further and apply to the section at present before us those excellent and admirable principles which he himself has laid down in the passages I have just quoted.

Mr. BENNETT: Few things are more passing strange in politics than the attitude of those who condemn a thing most strongly at one time and advocate it at another. The right hon. gentleman this afternoon is using, to apply to something else, the observations which I made in connection with a grant of money. He now asks the committee to adopt the views I then expressed and to do violence to the opinions which he then expressed. He voted against the views I then expressed; he tore them to pieces as being unworthy of the consideration of the house at that moment, and his majority at once responded and voted down my amendment to the third reading of the bill. He says now in 1931 that what I suggested in 1928 was right and that he was wrong. Usually it has not been the habit of deliberative assemblies to attach much weight to prophets who were wrong in 1928 and who, changing their minds in 1931, say: "Look what we will do if we have the opportunity!" I was amazed to hear the right hon. gentleman. There is a fundamental rule which should be followed in cases of this kind, namely, that as regards specific observations made by any member of the house with re-

[Mr. Mackenzie King.]

spect to a particular form of transaction, you have no right to apply such observations to another matter which has no reference to it. Salaries, of course, involve the payment of money. That is so with respect to judges. But would anyone say that because some appointments to the judiciary are not such as merit the support of the people we would be warranted in declaring, because an annual grant is involved, that we will not make provision for their salaries from year to year? It certainly has never been done. It certainly, if I recall the language of at least one judge of the courts of this country, never could legally be done, having regard to the declarations we have made.

Fundamentally, for some strange reason, the right hon. gentleman declines—I say declines, advisedly, because his intelligence is so high that he quite realizes what we have done—to accept the plain meaning attached to the language of this statute. We have created a court under the provisions of the law which confer on the federal parliament the right to create a federal court. We have given that court judicial functions. We have limited the exercise of those functions, and we have declared that that court shall be composed of three, a chairman and two others. They are the personnel of the court. Who would think of asking any court to accept office during pleasure?

Mr. ILSLEY: You did it in 1912, or at least Sir Thomas White did it in his bill.

Mr. BENNETT: But the bill never became law. There was not a court.

Mr. ILSLEY: It had the powers of a court of record, according to the bill.

Mr. BENNETT: It was not a court.

Mr. ILSLEY: I have the bill here.

Mr. BENNETT: I am thoroughly familiar with the bill. It was not a court of record, though it had certain powers of a court. This is a court of record. We are creating a court of record with all that appertains and belongs to a court of record. We have provided that the personnel shall number three, and that the court shall exercise judicial functions. No court worthy of the name can ever serve the purpose intended if the judges who constitute it hold office during pleasure. That is elementary. That requires no statement from me.

Mr. HANBURY: It depends altogether upon the personnel.