

Mr. GARDINER: We made payments in about 170,000 cases.

Mr. HANSON (York-Sunbury): I suppose those were cases in which there was absolutely no dispute.

I would ask the minister to review the position with respect to section 7. We are not really on that section, but a discussion has arisen in which it is involved. The leader of the opposition has said he has not known of a case where it has happened before. If he reads section 6 he will find that in respect of disputes the minister has constituted himself a judicial officer. That is a bad principle.

Mr. GARDINER: No; I have constituted the renter a judicial officer.

Mr. HANSON (York-Sunbury): Under this the minister is constituting the renter a judicial officer, or proposing to do something like that. But under section 7 the minister, who is an administrative and executive officer of government, is setting himself up as a judicial officer to decide a dispute between a landlord and a farmer, or between two or more landlords. That is the purpose of the amendment. He is including the larger class of cases. On principle, that is an improper piece of legislation.

Why in the world should the minister even seek to constitute himself an arbitrator between two classes of claimants, or two or more classes of claimants? That is the sort of position an executive officer of government and a member of a cabinet should seek to avoid. On what is he to act? Is there to be a hearing? What evidence is to be heard in support of one position or another. I think on reflection the minister ought to avoid this whole responsibility, and leave the parties in a position where they must take some other recourse. If necessary, set up an adjustment agency in the form of a county judge or a district court judge, and let the county or district court judge decide the dispute after the hearing; because after all, in this instance the civil rights of individuals are being dealt with. Here the minister is taking it upon himself to decide those rights. How is he to do it? Section 7 gives him authority; but by what procedure? How is he to determine the respective rights of the parties, and upon what evidence? Is there to be sworn evidence? Is there to be the right of cross-examination? Does the minister see the impossible position in which he is placed?

If I were the minister I would never yield to legislation like that, or allow myself to

be put in that position. Politically I think it would be a very bad thing for the minister. He would be open to charges of favouritism. Where he may please one man he may displease another. The minister would be well advised to get rid of any jurisdiction of this kind. On principle he should not seek to place himself in this position. Here, under a statute, he would be acting in three different capacities. Surely he does not wish to assume a burden of that kind and, on principle, he ought not to assume it. This is bad legislation.

If I read the side-note correctly, subsection 2 of section 7 is to be reworded to take in cases of disputes between two or more landlords, as well as cases of disputes between landlords and farmers. He has that jurisdiction now; just why, I do not understand. I never paid much attention to the section before; but if my attention had been drawn to it I would certainly have pointed out to the minister that he will occupy a position he ought not to occupy, namely, that of exercising a judicial function between two claimants for the same sum of money. That is what courts are for. How is the minister to make the decision? What procedure is he to follow? What evidence will he have? How can he decide? Will his decision be made on the say-so of one of his inspectors? That is not good enough. There is such a thing as legal evidence, and there is hearsay evidence. There is a rule governing the best evidence.

I am trying to think out loud, and debate the matter on principle, not otherwise. I am not personally concerned with what happens to the measure. However, my view would be that they should fight it out in the courts. I suggest to the minister, in all sincerity, that if he takes on these judicial functions he is putting himself in an impossible position. He ought not to do so.

Mr. GARDINER: In reply I would point out that, at least in theory, I have to make that decision in every case. I have to decide whether or not a man is a farmer, before he can receive any payment. Under this definition I have to make all these decisions; but in practice I do not do so. It is done under the administration.

The only added power under section 7— which, by the way, is not at present before the committee—is that where there happened to be two landlords, the same authority is given that I had previously in connection with one. There has not been any great difficulty in the matter in the two years we have been carrying on. The other is simply a matter of