

claim? I put it to every lawyer in this house, I put it to every man of sense, who is to be the judge of the qualifications of the physician, in the first place?

Mr. McGIBBON: Was not that same principle involved in the Ontario Liquor Act and in the Highways Act?

Mr. BOURASSA: Precisely. Let us take the Liquor Act because that will permit me to reassure the sensitive loyalty of my friend from Fort William (Mr. Manion). What brought that burst of laughter was the observation—I do not know where it came from—that during the heyday of prohibition in Ontario, “reputable” physicians sold liquor prescriptions by the bushel until things came to such a pass that the Ontario government was obliged to pass a law or an order in council limiting the number of liquor prescriptions that a physician could issue. I do not say that all “reputable” physicians did that; I am sure that my hon. friends from Muskoka or Fort William would not have done it. But it shows how dangerous it is to state in a law that every reputable physician will be the master of the money of this country and will override the board that has been appointed by this parliament to decide such issues, because that is the effect of the latter part of this resolution. Once a “reputable” physician—his reputation is vouched for by we know not whom—has given his opinion that the disability is directly or indirectly attributable to war services, the pension shall be granted.

Mr. RYCKMAN: That is not what the resolution says.

Mr. BOURASSA: Yes.

Mr. RYCKMAN: No.

Mr. BOURASSA: Yes. The resolution says, “the onus of disproof shall be upon the Board of Pension Commissioners and that unless the same be disproved,” which by implication means disproved by the board, “a pension shall be granted.” A pension “shall,” not “may,” be granted. The Board of Pension Commissioners may have known nothing of the man before, may know nothing of the circumstances under which he had served in the army or of the circumstances under which he became disabled; but upon the testimony of a single “reputable” physician hired by the claimant, it will be compelled, if it is not capable of disproving that physician’s evidence or opinion, to grant a pension. Would any case be submitted to the exchequer court, for instance, under such conditions? Suppose

[Mr. Bourassa.]

a member of parliament got up and asked that a law be passed to deprive the exchequer court from passing judgment upon certain claims brought before it by people complaining that they had sustained damage through the action of the government. Would this parliament sustain for one moment such a principle of law? No. I might remind the house of a case which I took up once with the Public Works department. It was the case of a splendid fellow, a navigator, who was charged with the duty of inspecting acetylene buoys near Kingston. An explosion occurred when no one was around except this man. He was killed, shattered to bits. They could hardly find the remnants of his body among the debris. The explosion devastated an area of many hundred square feet. His widow came to see me. I gathered all the evidence I could and brought the matter before the Minister of Public Works. He consulted the Department of Justice, which advised that the claim could not be sustained in law because there was no possibility of getting evidence that the explosion was or was not the fault of this man. It was only after a long struggle that I succeeded in securing the paltry sum of a few hundred dollars as a compassionate allowance for the widow. I do not say that the department was wrong. I thought it was a tragic case. I thought there was in fact an injustice done, but I could not get up in the house and blame the government for having maintained the application of a basic principle of law and of evidence, even though it prevented the widow of a friend of mine securing proper indemnity. We made up a sum for the widow out of my own pocket and out of the pockets of some of my friends.

Mr. GEARY: Does the hon. gentleman mean to say that the treatment of soldiers applying for pension should depend for its result upon some rule of common law? No. We propose to make it a rule of statute law, that the thing itself speaks, that the man having been in service and now being disabled by something that might be attributable to service, the thing itself speaks. He is entitled to the presumption in his favour. That is all we ask.

Mr. BOURASSA: I also want parliament and the government to be generous; but I repeat, unless you suppress the Pension Act and the pension board, unless you say that as a matter of course every soldier and the widow of every soldier is entitled to a pension without looking into the merits of each case particularly—very well; that is a question to be considered; but if you admit that there must be a pensions board and a claim made