

*Soldier Settlement Act*

all concerned. After all this is a matter in which every member of the House is interested, and I have no desire to force upon parliament any piece of legislation, particularly legislation of this character, in regard to which we cannot be unanimous.

Mr. BENNETT: The other evening when this resolution was called I ventured to suggest that a judicial tribunal would be more desirable to determine the questions at issue than a board of arbitration constituted as suggested by the resolution. I have thought a good deal over the matter since, and I have not changed my view as then expressed. The observations made by the minister himself a few minutes ago as to the human element entering into the matter rather inclined me to hold more strongly to my opinion than I did on the previous occasion. The very fact that the human element enters into it will induce the representative of the board on the one hand and the settler on the other to be influenced by considerations that are not solely referable to the land in question, and it is of the utmost importance that the settlers should believe that they are receiving even-handed justice in every instance with respect to matters of this kind.

I was very much struck by the observations made by one hon. member the other evening, when he said that he could not trust the judiciary. I very greatly deprecate that observation in this House, for whatever may be the views that some of us entertain as to the fitness of men to discharge judicial duties, it is of the utmost importance, in the development of the institutions of the country, that members of parliament at least should not voice that sentiment, except in the manner and form provided by the constitution of this country, namely, by asking that the high court of parliament resolve itself into a tribunal to consider the impeachment of the judge in question. It is bad business, if I might use an ordinary term, that members of this House should express an opinion of that character with respect to judges. I say that in no censorious sense, but I say it because I believe, using the language of Palmerston, that hon. members on one side are as anxious to discharge their duties as gentlemen as hon. members on the other side, and it is desirable that those who have to come before the judiciary should not have in their minds the view that members of parliament are reflecting on the integrity and ability of those who discharge judicial duties. I hope my hon. friend will not misunderstand me when I make that

[Mr. C. A. Stewart.]

observation, but I felt that, as a member of the profession from which, to use the language of a celebrated statesman, the judges are recruited, I could not allow the observation to pass in silence. Under those circumstances I hope the minister—and I for one, having raised this question, am delighted to see the attitude in which he approaches it to-day—in the next few days will turn over the suggestions that have been made. I firmly believe that in the long run he will find that he will have achieved the two objects that this legislation is to effect, namely, first, justice to the settler, and second, justice to the state. On the one hand the excessive price must be diminished having regard to the salability of the property in question; on the other hand the public exchequer must be protected and the loss made as little as possible. Those are the two factors that must be kept in mind. I ask my hon. friends whether they do not believe that in the ultimate analysis we have not best protected the settler on the one hand and the exchequer on the other by leaving these matters to the determination of men who are trained in the weighing of evidence and whose duty it is from time to time to decide on matters of law and fact. I say that more particularly having regard to the seventh resolution which provides:

That the District Arbitration committee shall forthwith forward a copy of its decision to the board and if it be found there has been a depreciation in the value of the land purchased by the settler from the board—

Observe these words.

—not resulting from neglect or mismanagement on the part of the settler the amount of such depreciation so found shall be credited by the board as provided by resolution number four in respect of amount arrived at by agreement.

Who is going to determine whether the depreciation which is the subject matter of the award does or does not result from neglect or mismanagement on the part of the settler? Who is so well able to decide that question of neglect or mismanagement as a judge? Neglect is not easy to define; mismanagement is difficult to determine, and under these circumstances, having regard to the language used in the seventh paragraph of the resolution which is very difficult language to construe, I submit that when the minister redrafts his bill he will find that the two-fold purposes of the legislation will be best served by having these matters determined by a judicial officer, one trained and skilled in dealing with matters of this kind.

I venture to repeat to my hon. friends that the determination of values has in modern practice been left to judges of the district