

primary jurisdiction having to assume the burden of deciding whether or not there shall be an appeal, and the burden also of instructing counsel to support that appeal.

Mr. BENNETT: I caught the point.

Mr. RALSTON: The amendment now being made makes the board a judicial tribunal, whereas previously they may have been more or less administrative, or at least a court of first resort—a grand jury, as I described it. Now they are becoming a judicial tribunal, and I submit that we ought to get rid of the practice of having them instruct counsel to appeal. Let us get a board entirely outside the Board of Pension Commissioners who will decide whether or not an appeal shall be launched.

Mr. MACKENZIE (Vancouver): I want to point out another weakness. Under the old system once a pensioner received notice that his claim was accepted, that was almost final in every case.

Mr. BENNETT: Not since the appeal board came in.

Mr. MACKENZIE (Vancouver): I am coming to that point. I was referring to the old system. If the case went to the appeal board and the applicant was successful there, that also was considered final except in the case of a second appeal, which were very rare. But under the present system we have up to date 417 cases which were admitted by the pension tribunals throughout the various provinces, in the presence of the applicants, to be pensionable. The applicants, hearing that their cases were admitted as pensionable, naturally returned to their homes with the impression that the pensions were theirs, but these 417 cases went to the appeal court and every single one of them was rejected. So the principle I am trying to establish is this: it is unfortunate to notify the appellant in his own presence that his case has been admitted when there is a possibility of its being finally rejected, with consequent disappointment and heart-burning.

Mr. BENNETT: I quite appreciate the point, but I think that it has always been stated since recently that the case is subject to appeal.

Mr. MacLAREN: It is well to have discussion, but it is well also not to be too hasty in coming to a conclusion in connection with these matters. The varieties of opinion are beyond enumeration. I believe that a good deal could be said to meet the objections and criticisms which have been

offered to-night. I would like to say one thing in reference to the commission counsel. The act states that they are subject to the direction of the commission. I think it is only fair to say on behalf of the commission counsel that I believe they do not approach cases that are placed before them as prosecutors or anything of that kind. They appear as crown counsel acting in a fair and reasonable way to the best of their ability, and taking exception or objection or an appeal only in cases in which they think it is their duty so to do. I believe that the instructions given by the pension board are in keeping with that practice. It may be that the way they are appointed is not a perfectly logical procedure, but I think that the spirit in which they carry out their duties is a fairly reasonable one.

Mr. VENIOT: May I invite the attention of the minister to what I consider a hardship on those who are applying for pensions. Let me give a concrete case, for which there may be a remedy. I have in mind the case of a soldier who applied for a pension. He was notified by the soldiers' advocate, and the tribunal also notified him, that it would sit at a certain place in a certain county. This individual lived nearly 110 miles away from where the tribunal was to sit, and he had no means of getting there. He would have to pay his own expenses all through till he got to the court. He had no means of his own, and no means of getting money to pay his way, and he would have had to drop his case if someone had not furnished the money for him. It is true that after he got to the tribunal and his case was tried, his expenses were handed to him, but why could there not be some means of providing at least transportation for the individual especially when he is living so far away? He might be given a certificate of transportation that would be good over the railroad to the point where the case was to be tried. For instance, there was a sitting in the town of Newcastle in February last, and applicants from the county of Gloucester who live on the islands in the gulf of St. Lawrence had to go all the way from the gulf of St. Lawrence to Newcastle, a distance of 110 miles, and borrow money to get there.

Mr. MacLAREN: But it was refunded.

Mr. VENIOT: Yes, but the trouble is that often an applicant has no means of getting there, and he has to go about and collect money from his friends. There should be some way of meeting that difficulty. If the tribunal sat in the county of Gloucester