

and apply for exemption. They may all apply because they are engaged in some useful occupation. One court will decide "yes, this man ought to go, and should not be exempted;" another court may say "he ought to be exempted." There is nothing at all to guide the court except the arbitrary rule, or the common sense, or whatever you call it, of the judges. My hon. friend knows that it is very unsafe for courts of law to be left to their own arbitrary views. They should have some principle to guide them. My hon. friend suggested yesterday that the rules which would guide the court would be framed by the central judge. My hon. friend from Qu'Appelle (Mr. Levi Thomson) said to-day, and there is no possible answer to it, that it is not for the central judge to make any rule. The central judge merely rules over the procedure for the application and carrying out of the Act, but he cannot make any rule which will be a guide, as a principle of law, of how the law is to be interpreted; that is something which should be done here. That is the weak part of this Act. I do not know that it can be remedied, and I must say so frankly. It comes back to what my hon. friend from Edmonton (Mr. Oliver) says, that he prefers the balloting system. If the balloting system is unsatisfactory, and it is unsatisfactory in many ways, it is satisfactory on this point—the balloting system cannot be accused of favouritism. Everybody comes up. He may have bad luck, or he may have good luck, but there is no possible favouritism. With the clause as it is now, you are sure to have recriminations, and sometimes these recriminations may be well-founded, because after all it depends on the sense of one or of another as to how the Act is interpreted.

Sir ROBERT BORDEN: The hon. member for Edmonton has set forth a proposal, which is supported to a certain extent by the right hon. leader of the Opposition, and which, if it were carried to the extreme, would mean that Parliament sitting here, or a committee of the House sitting here, should itself select the one hundred thousand men who are to go to the front under this provision. It is perfectly apparent to all of us that any proposal of that kind is absolutely impracticable. Therefore, it is necessary to appoint some tribunal to determine who shall be called upon to go to the front, and who shall remain at home for the purpose of giving national service. There is only way of doing that, and that

[Sir Wilfrid Laurier.]

is by defining the principles in some such general terms, and by leaving the determination of the question to the tribunal. This is the course we have adopted. We have endeavoured to establish the tribunal in such a way that there can be no suspicion of unfairness or partiality, so far as its personnel is concerned.

Mr. MARCIL: But, there might be incompetency among some of those local tribunals—incompetency to grasp a situation, or to define national interest, as against military service.

Sir ROBERT BORDEN: There may possibly be incompetency in a judge or in a magistrate occasionally, but it does not necessarily follow that this Parliament should undertake to adjudicate upon questions of civil rights arising between individuals in this country.

Mr. MARCIL: The ordinary judge has a text of law which he follows. In this case, we do not seem to have any text by which those local tribunals are to be guided.

Sir ROBERT BORDEN: My hon. friend will remember that notwithstanding the fact that a judge has before him a text of law, the records of the Appeal Courts in this country show that sometimes the judge does not arrive at the right conclusion upon that text.

Sir WILFRID LAURIER: It will be still worse when he has nothing to guide him.

Sir ROBERT BORDEN: He has something to guide him.

Mr. PUGSLEY: Will my right hon. friend—

Sir ROBERT BORDEN: One at a time, please. I claim the right to finish my sentence, and I propose to do it after which my hon. friends may stand up one after another and bombard me with questions.

As far as principles can be settled and made applicable, they are settled and made applicable in this Bill. My right hon. friend says there may be a certain inherent difficulty in the framing of a measure of this character. I admit that, and we have endeavoured to meet that difficulty as best we could; moreover, we have met it in a more specific manner in this measure than it has been met in Great Britain or in New Zealand. What more can be asked? I venture to think that nothing more can reasonably be asked. We appoint a tribunal, we assure the fairness and impartiality of that tribunal as far as personnel is concerned, and we leave to the tribunal to determine