

*Disallowance*

judgment was got at the expense of truth and justice, that it was got by evidence which did not disclose the fact that numerous witnesses who were called were never subjected to cross-examination, and that an absolute wrong had been done to the MacNeil family. And it is to the question of that alleged wrong that the legislature addressed itself. Now, if this act be so awful, if its immorality be so transparent, one would naturally suppose that a terrible lot of people must have had to do with its passage, which, of course, would be a dreadful thing. Before leading up to the act, however, I will go down the steps with a view to seeing just who had to do with this matter, what is their status, and whether they are gentlemen who have such a standing in that community that one would at least suppose that they would not try to do something which was immoral, wrong and against all public interest. The file shows one thing, first of all. It shows that Mr. Stewart, of the firm of Henry, Rogers, Harrison and Stewart, took this question up in the first instance. I think my hon. friends from Nova Scotia at any rate will agree with me that there is no more reputable practitioner in that province than Mr. Stewart, or a firm of better standing than that to which he belongs. He writes this letter of date May 9, 1921;

Mr. D. S. MacNeil is promoting a bill in the legislature which comes up before the Committee on Private and Local Bills at 10.30 to-morrow. Mr. MacNeil's family were badly done in an action concerning the title to lands at that time believed to be farm lands, but subsequently found to contain large deposits of gypsum. In the main, the circumstances are as follows: Mr. MacNeil's brother had agreed with his sister that if she would devote her time to supporting the younger members of the family he would purchase a farm for her which was ultimately to become the property of Mr. MacNeil, who is promoting the bill.

This is another MacNeil, the returned soldier.

This was done, but subsequently on the firm in which Mr. MacNeil was partner becoming insolvent through what appears to be the collusive action between the assignees in insolvency and MacNeil's partner, a case was made for declaring the property as having been purchased with partnership moneys. The case was very badly conducted, I think. In any event, although winning at the trial, the case was lost on appeal to the Supreme Court of Nova Scotia and in the Supreme Court of Canada by a vote of three to one.

I think that is a mistake; in the report I saw it was three to two.

Since the action was determined sufficient facts have come to light to warrant the conclusion that the decision was a miscarriage of justice. I have gone through the facts very carefully and have satisfied myself that there has been a miscarriage of justice although I was not interested in the case before the courts. Mr. MacNeil asked me in February to look into the matter and to prepare a bill for him to submit to the legislature.

[Sir Henry Drayton.]

What gentleman is that letter written to? What is his standing in the community? That letter is written to the gallant son of my hon. friend the Acting Minister of National Defence (Mr. Macdonald) who to-day wears his Majesty's decorations for distinguished conduct overseas. Now, Sir, that is the class of gentlemen who had to do with the matter before the legislature. There was another firm that was interested, a firm with which some others of my friends are fairly conversant and for which I make every claim to responsibility and respectability.

Mr. JACOBS: Hear, hear.

Sir HENRY DRAYTON: I refer to the firm of Maclean, Burchell and Ralston. Mr. Ralston is the gentleman whom this government chose to act as chairman of its Commission on Pensions, a man whose probity, as it should be, is beyond question. He was acting in this case.

Mr. MARTELL: I know something of the matter, and I might observe that Colonel Ralston never appeared before any committee of the legislature of Nova Scotia in support of the bill. He was written to. Mr. Burchell did appear before one of the committees of which I was secretary, but Colonel Ralston never appeared before the legislature in behalf of the bill.

Sir HENRY DRAYTON: I had not finished my story; I was going to come to that in time. Colonel Ralston acted as counsel, not before the legislature, because so far as the committee work was concerned the matter was looked after by Mr. Burchell, the senior member of the firm. Is he not the senior member of that firm?

Mr. MARTELL: Yes.

Sir HENRY DRAYTON: Now, Mr. Speaker, the manner in which this business was conducted, if this case is as it is represented to be, would suggest one of two things: either, on the one hand, it reflects tremendous credit on these gentlemen in their ability to pull the wool over the eyes of a very ignorant body of legislators; or, on the other hand, it shows great merit in the MacNeil case; because this file shows that there was only one person opposing this legislation of all those who were concerned in it.

Mr. MARTELL: Where did the hon. member get that information?

Sir HENRY DRAYTON: I have not the information my hon. friend has; the information I have I gather from the file. There is an extraordinary letter on file in this case.