

2. So far as the Hon. Andrew Haydon is concerned, particular reference to him is found in Division 14 of the Report of the House of Commons Committee, and he is there criticized in respect of two matters:—

- (1) The receipt from Mr. Sweezey of money for campaign purposes.
- (2) The acceptance by his firm of a retainer said to be contingent upon the passing of Order in Council Number 422.

3. *Campaign purposes.*—Upon the broad general question as to the propriety of accepting large contributions to political campaign funds, Counsel cannot well assist the Committee by any argument that would deal adequately with the whole question. Members of the Committee, as public men, are familiar with the whole subject and with its many aspects. The practice has been general and has not been confined to any one party. There has been no attempt on either side to adduce evidence to support any particular view of the subject. It would be idle for any person connected with, or intelligently interested in, any great political party in Canada, or in Great Britain, to pretend that he did not know of the existence of the practice and that political campaigns are financed to a great extent in this way, and if the practice is essentially wrong then many are particeps criminis.

So far as the Hon. Andrew Haydon was personally connected with the contributions in question, his position does not differ from that of most active members of any of the great political parties, except in this that the money was actually paid into his hands. There is no evidence whatever that in receiving the money he became party to any bargain or promise or arrangement of any kind with Mr. Sweezey or anyone represented by him. The money was not paid at a time when Mr. Sweezey or his Company were seeking any favour or advantage of any kind from the Government. The occasion of the payment was an impending general election for the legitimate purposes of which Senator Haydon's party was in need of funds. Hon. Andrew Haydon is no more the proper object of criticism for having received the money than is another gentleman who solicited, but did not actually obtain, a large contribution for the funds of the Conservative Party. Neither of these men is really any more open to criticism than is every public man who receives assistance directly or indirectly from the funds collected in a similar manner at every election. Counsel is not arguing either for or against the practice. His purpose is merely to point out that when there are so many to be condemned, if the practice is wrong, it would be a travesty to select for condemnation the man whose proven honesty has made him an unwilling trustee of the funds.

4. *Retainer.*—It is important to see exactly what it is that is criticized under this head. It is not the amount of the retainer. Neither this Committee nor the Commons Committee has been constituted a taxing officer to decide how much a lawyer's bill of costs should be—and that is plainly not what is meant by the Commons' Report.

Neither is it the alleged acceptance of a contingent retainer that is criticized as such. Whether lawyers should ever accept contingent retainers, or under what circumstances they are proper is a matter for the Law Society or the Bar Association, who deal with matters of professional ethics. This much may be said that every lawyer knows that the amount of his fee and at times the question whether he actually will be able to collect a fee at all not uncommonly depends on how the business in hand results.

But the point of the criticism here is not these things, but it is the nature of the alleged contingency. The complaint is that the retainer in substance involved Senator Haydon in using his position and influence to obtain the passing of Order-in-Council P.C. 422, and that he was to be paid for this.

It has not been suggested and can not be maintained that a member of the Senate is to be condemned for accepting a retainer from a client to render services