

Sir HENRY DRAYTON: I thought two members of the government were directors of the Eastern Trust Company

Sir LOMER GOUIN: That I did not know. It makes no difference. No notice was given to the Plaster Company as I am informed. No notice was given to Fletcher, or to Curator Sharp, or to the creditors of Sparrow and MacNeil in Quebec and Ontario.

Mr. HANSON: Was there not the usual statutory notice given under the rules of the legislature of Nova Scotia?

Sir LOMER GOUIN: I am informed that there was no such rule.

Mr. KYTE: The rules of the legislature of Nova Scotia do not call for notice.

Mr. HANSON: They should.

Sir LOMER GOUIN: On that occasion all sorts of representations were made in order to establish that as a matter of fact there was a miscarriage of justice. Some of the interested parties, some of the petitioners, or some of their friends, went to the extent of declaring that the judges who had decided against them in the Supreme Court of Nova Scotia regretted their action and that if they had to adjudge again the same case they would render a judgment in favour of the MacNeil family. It was on that occasion that one of the judges, Mr. Justice Meagher, wrote an open letter in which he says among other things:

If the legislature commits itself to the policy it adopted in this instance of reversing decisions reached after hearing both parties to the litigation fully, upon ex parte statements of the defeated party and without notice or inquiry, there is not much use in parties invoking the aid of the courts and incurring heavy expenses to redress a wrong or determine a right, if, after it has been decided by the highest courts of the land the legislature annuls the decisions and destroys all rights acquired by them.

Further on he states what my hon. friend has quoted:

To the credit of the Hon. C. P. Chisholm be it said he did his best alone and unaided to prevent the passage of this unexampled legislation. I am persuaded it is impossible to produce another instance like it in any British country.

Mr. MEIGHEN: Did Mr. Justice Meagher write that public letter to the press while still occupying a seat on the bench?

Sir LOMER GOUIN: No.

Mr. MEIGHEN: He was retired.

Mr. MACDONALD (Pictou): The legislature passed the act six years after the judgment had been rendered, and in the meantime Judge Meagher had retired.

Sir LOMER GOUIN: Chief Justice Townshend is represented as favouring that legislation. Here is what he wrote on the 17th of June, 1922:

I never dreamed that any legislature of a civilised country could be guilty of such an outrage as to pass an act setting aside the solemn judgment of a court, as I learn has been done in this case, and I do sincerely trust that you will succeed in having such a gross violation of constitutional right disallowed by the Dominion government.

Some hon. MEMBERS: Hear, hear.

Mr. GAUVREAU: That is right.

Sir LOMER GOUIN: The statute declares that the land in question is vested in Miss MacNeil in fee simple notwithstanding any proceedings or judgment, legal or otherwise, in the Supreme Court of Nova Scotia, or on appeal to the Supreme Court of Canada. In other words, the statute is intended to operate directly and entirely against any judgments rendered by the Supreme Court of Nova Scotia or the Supreme Court of Canada. This statute, at the request of the petitioners, was carefully considered. We heard Stanley MacNeil, the young brother, who now claims that he has a title to the property. We heard the petitioners, I say; and after a full consideration of the whole case we came to the conclusion that it constituted such an extraordinary piece of legislative injustice that it could be regarded as amongst those conceivable cases which, according to all ministers of justice who have occupied the position I now hold in the government, would justify the exercise of the power of disallowance. My hon. friend (Sir Henry Drayton) has based the whole of his argument on the contention that since the report made by Sir Allen Aylesworth in the Cobalt case, no power of disallowance has existed, or that the power of disallowance was denied by most of the ministers of justice and should not be exercised. He quoted in the last part of his remarks two judgments of the Supreme Court, and in reply to an hon. member who asked whether he did not think that such legislation was so repugnant as to justify the federal government in exercising the power of disallowance, he suggested that there was no such power. Well, in these very same judgments which were read by my hon. friend we find that the judges say that there are such circumstances as to render that power applicable, and all the ministers who have had to consider this legislation have held the same view. The hon. member quoted the report of Sir Allen Aylesworth and also the report of the Hon. Mr. Mills and tried to convince the House that the latter gentleman was of the opinion he had expressed. If we refer to what