

law for some years; hon. members have also acquaintance with the jurisprudence of our country, and I never learned of the doctrine that those who are said to be of the prosecution should see to it that the defence is called. Were there no doctrine to the contrary, which is so plain that a child would understand it, were there none at all, those of us who know the Hon. Jacques Bureau know this, that he does not need any instance from us, any summons or suggestion, to come and defend himself at a trial if he feels it is in his interest to come. Whatever may be said of him, no one will challenge his intelligence or his capacity to look after himself.

I wonder what is in the mind now of the five members of the committee who were not Conservatives, the four hon. gentlemen opposite and the hon. member for Peace River (Mr. Kennedy) the majority of the committee; I wonder what they are thinking of now after the castigation they have received from the Prime Minister. If there was onus on anybody to see that Mr. Bureau was called, surely it was on those who were of the same party faith as he, four of them completely so and one of them so close that I will not attempt to draw the distinction as it is practically negligible. What is to be thought of the present minister (Mr. Boivin) whose department was on trial, the friend and associate of Mr. Bureau, that he did not see that Mr. Bureau appeared before the committee?

The whole thing is humbug. It is such transparent, unspeakable nonsense that it is incapable of discussion. Senator Bureau would have come, there if he had felt there was anything in his interests to be served by coming. Senator Bureau would stay away—if he felt it was in his interest to stay away. But to charge those who are not serving Senator Bureau, whose interests are not his but the interests of Canada, with being under an obligation to summon him, and especially to charge those of the opposite party—well it so shocks the intelligence that the sooner the subject is dismissed the better.

I am not here to make any attack on Senator Bureau. The Prime Minister, with great declamation, called across this way to know if we did not respect him, if we did not recognize his ability while he sat as a member of this House, and because no one rose to impugn or to slander him, the Prime Minister felt that he had achieved a great victory. Certainly we respected him, certainly we admired his ability, and I venture to say that very few of us were even under a

suspicion that this department was being conducted under him in the way it is found by this report to have been conducted.

The reason I am making no special attack upon him is chiefly this. He is found guilty by the report; the report itself of the committee finds him guilty, the very report which the Prime Minister stands up in this House and says is right. Every sentence of it, he says, is true and sound and we intend to carry it through. Let us look at what those sentences are. Let us see what the findings, not of four Conservatives alone, but of four Liberals, one Progressive and four Conservatives, are in this regard, unanimous findings. Hon. gentlemen know by heart clause 6 of the report which reads:

The evidence submitted to the committee leads to the general conclusion that for a long time the Department of Customs and Excise had been slowly degenerating in efficiency and that the process was greatly accelerated in the last few years.

I ask hon. members to note the words "the last few years."

Apparently the Hon. Jacques Bureau, then Minister of Customs, failed to appreciate and properly discharge the responsibilities of his office and as a result there was a lack of efficient, continuous and vigorous control of subordinates by the headquarters staff at Ottawa.

I ask the Prime Minister: If he believes what he said of the Hon. Jacques Bureau this afternoon, of his record in that department, of his devotion to the public service, of his capacity, if he believes that all the Hon. Jacques Bureau was guilty of was being sick, is he honest to-day with Jacques Bureau; is he standing by Jacques Bureau as a friend, as a citizen, in allowing this report to be adopted? I put it to hon. gentlemen behind him, those who agree with the words of the Prime Minister this afternoon, those who applauded his words that all that was the matter with Jacques Bureau was his illness. Do they consider that clause 6 fair to the Hon. Jacques Bureau? Will anybody reply? If I believed as the Prime Minister says he believes, I would be a member of no government that would submit to the adoption of that report. If what the Prime Minister expects the House to believe this afternoon is true, that report is a calumny on the administration of the Hon. Jacques Bureau and on Jacques Bureau himself. Let me read further. The Prime Minister sought very vigorously to convince the House that the government had done everything in its power; that it was alacrity itself in response to every appeal to purge and purify the service; that Hon. Jacques Bureau especially had been unreserved in his co-operation with the Com-

mercial Protective Association and only too anxious to run down those in the service who were not doing their full duty.

The Prime Minister who gave utterance to those assertions this afternoon wants a report adopted which contains also the following words:

7. The procedure provided by the Customs Act in the matter of customs seizures is as follows:—Upon making a seizure the collector or seizing officer forthwith reports the circumstances of the case to the Commissioner of Customs (section 174). Thereupon the commissioner notifies the owner or claimant of the thing seized, stating the reasons for the seizure, and calls upon such owner or claimant to furnish within thirty days any evidence he may desire to submit (section 175). After the expiration of thirty days or sooner, if evidence is forthcoming on the part of the owner or claimant, "the commissioner may consider and weigh the circumstances of the case and report his opinion and recommendation thereon to the minister" (section 176). The minister thereupon either gives his decision and states the terms upon which the thing seized or detained may be released or the penalty or forfeiture remitted or refers the decision to the court (section 177). The committee finds that this procedure was not followed. Although as a rule, the facts are correctly recited in the summary submitted to the minister, the opinion is not infrequently at variance with such facts, and the recommendation is so drawn as to elicit a decision to which such facts are repugnant.

But why?

This discrepancy is accounted for by the fact that the report upon the evidence was in many instances preceded by a conference, and the recommendation was dictated by an intelligent anticipation of the minister's wishes in the premises.

Mr. DONAGHY: Does the right hon. gentleman not think that the statement is justified by the facts in the Daivey Waisberg case?

Mr. MEIGHEN: I presume it is and by many other facts. I am not challenging the statement. The statement is justified by page after page of evidence and the minister is found guilty of having induced officers of the department, after reciting the facts, to add a recommendation repugnant to those facts because he the minister wanted that recommendation. This is found to be true by the very government of which the Prime Minister is head, and having asked this House to approve of that finding he stands up and declares that Jacques Bureau's record as a minister is immaculate.

There is one comment of a general character which I desire to make. When a case has been tried and the evidence has been adduced; when every opportunity has been given, as is given in our courts and before our committees, for all parties concerned to come forward and state what they have to say either in support of prosecution or by way of defence; when all this has transpired

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then the case is decided upon the evidence so adduced. And if any party affected, having failed to take advantage of the opportunities afforded in the course of the trial, comes forward afterwards and seeks to address the court and establish facts or to correct evidence, which fact he might have established and which evidence he might have corrected when the case was being heard, it is not very likely that he will be heard. If he came forward after the evidence was closed and said to the judge, "All this is wrong. I had a conversation with Mr. Sparks or Mr. So-and-So in my office, which conversation wholly contradicts what is clearly in the evidence, and I want you to find upon what I say now": what would happen? He would be told to sit down or the sheriff would take him by the shoulder and throw him out. It does not become an hon. member of this House to ask for a verdict on the faith of testimony which he seeks to give to parliament now but which he failed to adduce when he might have been subject to cross-examination and contradiction. I say, it does not become any member of this House to make that attempt, and when this intrusion is committed by the Prime Minister of our country, when this is the example he sets, how does he expect other members to act creditably and intelligently in respect of investigations and reports to parliament thereon? The duty of this parliament is to take the reports as submitted and, on faith of the evidence upon which that report is based, to render judgment deciding whether the report is right or wrong. If we feel that the report is not right, then it is our duty to have it amended by proper steps in the manner we desire. But parliament should not be influenced, no man carries out his oath of service to his country as a member of parliament who is influenced in the faintest degree, by anything stated in this House by anyone whether it be the Prime Minister or any other hon. member.

Oh! how brave the Prime Minister is now: "I say here and now in parliament this and that and I am prepared to go before a court and repeat it"—when he knows that the court is closed. The Prime Minister supports a motion for one purpose and one purpose only, namely, to amend the report in accordance with the instructions of this House, when he knows perfectly well that there is no possibility of the report ever going before the committee again. He knows that there is no possibility of its being subject to examination so as to affect our finding. But he bravely thunders now the in-