

these questions he made certain findings. I appeal to the Minister of Finance as a lawyer and a man of strong commonsense, as to what should be done if Mr. O'Connor's report is not full and satisfactory. The parties who are not satisfied want a new trial. Mr. O'Connor says that as a court he asked these parties for certain facts in the course of his investigation, and that they refused to give him the facts. I am sure the lawyers in the House will agree with me that in the higher courts once a litigant has refused to furnish certain evidence he cannot give that evidence later on just when he pleases.

If he is once asked to put in the facts and he says he is not able to do it, or refuses to do it, that is the end of it. That is the hard and fast rule of court and it is a proper one. I would not ask Mr. O'Connor or any investigator to follow rigidly that rule. The Minister of Labour had this question up in the House the other night. He admitted that Mr. O'Connor's report was prematurely given to the public and that there was some further evidence that Mr. O'Connor should have had before he made his report. Then, the Government should have asked him to reopen his court and hear this evidence and when he had all the facts to make his report complete. But, a most extraordinary and absurd course is taken. The Minister of Finance is the only lawyer in the Government who is here, and I appeal to him to say if this is not the most extraordinary and ridiculous course that could have been taken. Whoever heard of such a thing as allowing a judge to hear a part of a case and conclude it, as he thought, and then, when it was discovered that new evidence should be brought in, discharging that judge and appointing another to begin de novo. The proper thing, the logical thing, would be to make application to the judge who had heard a portion of the evidence and get permission to put in further evidence, and then allow him his conclusions on the whole matter. But, it is proposed to have a new court starting over again, and we are entirely ignorant of the terms of submission to that court. Then, we shall get an endless, senseless, indecisive decision or something else which may be absolutely foreign to the matter with which Mr. O'Connor was dealing. It is not fair to the reputation of this gentleman to have his report treated in that way and to be subjected to adverse criticism based on an entirely different set of facts and circumstances. I submit that, at all events, if this court is to be reconstituted,

[Mr. McKenzie.]

the Government should have made him a member of it and he should have sat with that court. Then he would be able to see whether the facts which he investigated were getting a fair show or not. When the report comes in, if Mr. O'Connor is a member of that court and if he agrees with that report amending the decision that he has given—adding to it or taking away from it—the people will have some confidence in it. But, if the Government merely constitute another court that, as has been suggested by my hon. friend from Richmond (Mr. Kyte) will bring in the kind of decision that the friends of the Government want brought in, and if they deal with questions different from those which are dealt with in the report of Mr. O'Connor, there will be no confidence in the report and the people will be just as much dissatisfied with conditions as they were before. The Minister of Finance knows very well how readily the people will believe that there is something wrong about these extraordinary prices, as there must be. Mr. O'Connor says that, while some of them may be permissible under the law, they are not respectable. He says that if a good many of these transactions had taken place after the passage of this order in council under which he was acting he would have deemed it his duty to report the matter to the authorities in the provinces where the transactions took place that it might be criminally prosecuted or submitted to the Attorney General for his opinion upon the question of its criminality. These are the opinions and the statements of a very respectable man from my own province, a man whom I have known for the last twenty-five years, and I have every confidence that in so far as the facts were submitted to him he has done the right thing. If there is any further evidence, let it be submitted to him and to the rest of the court. Then we shall have reason to have some respect for the last findings of this court. Otherwise, I submit there is no business about it, there is no practice properly followed, and we shall have just as much right to start de novo, to try the results that will be obtained by the commission that is now investigating, as the Government have to institute this new tribunal. We are told that these people are working for nothing. I am sick and tired of this business of people working for nothing. The next thing we find is that they are overpaid. If you get a thing for nothing you usually pay for it all that it is worth. If the Government are expecting a report for nothing it is safe to conclude that that will be all that it will be worth.