

It is further ordered that the members of the opposition on the said committee shall have the right to select the counsel so to be appointed, which counsel shall be instructed to protect the interests of the people of Canada in the said investigation.

The decision of the House was that that was not a sound position for the minority on the committee to take. By a large majority the House decided that it was not the right of the minority on the committee to chose counsel. If the refusal to allow this choice to the minority was a reason for the three members to retire from the committee, surely that was the time for them to do so. But they did not at the time consider that that was a reason why they should withdraw. On the contrary, they went afterwards to several meetings of the committee. On the 4th of March the matter was brought to a crisis by a resolution moved in the committee by the hon. member for Hamilton (Mr. Barker):

That it is the right and duty of the members of the committee who represent the opposition to nominate the counsel who shall prosecute the investigation in the public interests.

The majority of the committee negated that proposition as the House had previously negated it. You will notice the words: 'It is the right of the members of the minority to chose the counsel.' Well, the House of Commons had decided that it was not their right. These hon. gentlemen had attended the committee in obedience to that ruling. They attended several meetings of that committee, and then, because the committee would not agree to this motion, they made that a pretext for filing out of the room one after the other. Well, if they think that they were justified by this in shirking the duties imposed on them by the House, I do not think the country will endorse that view. There was no question then as to who would be appointed counsel. My hon. friends did not suggest any names. They did not say: Give us this or that man. There was not a single suggestion, not a single nomination of any individual, but they said that they should have the right to name the counsel. In other words, four members of the committee were to annihilate themselves and allow three members to do what seven were appointed to perform. They made no suggestion, they did not suggest that any particular counsel should be named, but they said: Unless you accede to our proposition we shall have nothing to do with you, no matter whom you may appoint. Objection has been made since to the counsel appointed, but that was not the reason why these gentlemen retired. Mr. Nesbitt was nominated. It was said that he had given an opinion as to the specifications. Possibly that was known to some members of the committee, but not to all. Surely if it

Mr. A. H. CLARKE.

was known to the hon. member for Simcoe (Mr. Lennox) it was his duty then, as a member of the committee, to have pointed out that Mr. Nesbitt was not a proper man to be nominated. But now they say because two of the other members of the committee knew this about Mr. Nesbitt that absolved them from their duty of saying anything about it. Much has been said about Mr. Chrysler's appointment.

I may say that, if my hon. friends had done their duty, they would have raised their objections to Mr. Chrysler if they thought there were any. If there has been any error in appointing Mr. Chrysler, it is the fault of these hon. members of the committee that they were not there to point it out. Certain it is that no objection was made to him. I made the nomination myself. I thought Mr. Chrysler was a competent man, and a fair man, a reliable man, and one fully equipped for the position; and there has been nothing in the conduct of the inquiry since then to change my opinion in the slightest degree. I do not think that there is any man whom the committee would have chosen who would be satisfactory to the members who retired. I have not heard them suggest any person who would be satisfactory. It is all a question whether or not three shall usurp the position of seven, and, failing that, object to anything any person whom the majority may choose. It seems to me that the position is one which is absolutely indefensible. And my hon. friend (Mr. Lennox) has gone out of his way to attack Mr. Moss, who represents some of the engineers, or, rather, to indirectly attack the Minister of Justice (Mr. Aylesworth), because Mr. Moss is a member of his firm. I think the hon. gentleman knows perfectly well—I think he must have heard the Minister of Justice in this House more than once state, and perhaps in answer to the hon. member himself—that he had no interest whatever in that firm, that his name was allowed to remain there (as, I believe, it was stated the name of the leader of the opposition (Mr. R. L. Borden) was allowed to remain with his former firm) he having no interest in the firm.

Mr. R. L. BORDEN. It is a matter of no importance, but I may say that is not true of myself.

Mr. A. H. CLARKE. I am glad the hon. member (Mr. R. L. Borden) makes the correction, but I think he will agree that it was stated in the House at least once. I remember quite well that, on one occasion, the Minister of Justice referred to the hon. member as being in a similar position to himself. The hon. gentleman says that it is not correct in his case.

Mr. R. L. BORDEN. The statement was made, but was corrected.