

The CHAIRMAN: The hon. member will probably complete his remarks in a few minutes.

Mr. KNOWLES: May I say to the Minister of Labour that I have all kinds of respect for the Department of Justice. But it seems to me that the opinion he has just expressed as coming from that department—"No useful purpose would be served"—if that was the wording of it, is a matter of opinion for the government to take, and is not a legal ruling. If he were quoting from the Department of Justice as to whether there was a constitutional right to set up a royal commission, then I could understand his quoting from that department. But when it comes to a simple opinion as to whether a useful purpose would be served, clearly that is a matter for the government itself to deal with. I would suggest that they have had the proper recommendation from the man who has really gone into the matter in the person of Mr. Johnstone.

Mr. MITCHELL: I will say this, that when you break a contract, then that is the end of the contract.

Mr. KNOWLES: But—

Mr. MITCHELL: Now, you sit down. I have listened to you for forty minutes. I shall be through in a couple of minutes. I told my hon. friend I would say this. I have a vivid recollection of what took place in Winnipeg in 1919. I have, I think, an understanding of the pension system in the C.P.R. at that time. These men broke a contract. The money belonged to the C.P.R. I do not think that by an act of parliament—well, of course under our constitution, you can do anything by act of parliament—but it will be remembered that these people broke their contract. The money belongs to the C.P.R. It was a contributory pension system. I know what I am talking about.

Mr. KNOWLES: Far be it from me to help you out, but it was a non-contributory system.

Mr. MITCHELL: Non-contributory, I should say. The money was paid there, and was contributed by the C.P.R. I do not know how you can get a private organization to spend money arising out of a breach of contract. I am not a lawyer, but it is as clear as crystal to me that all the commissions in the world cannot, in my judgment, make that company pay something which arose out of a breach of contract.

Some hon. MEMBERS: Time.

Mr. LENNARD: This has gone on long enough.

[Mr. Lennard.]

Mr. KNOWLES: I stayed away from arguing the merits of the dispute itself between the men and the company, just to avoid this kind of thing. But if the minister insists upon raising it, then I will simply point out that that is one of the questions in dispute. That is one of the reasons for having a royal commission, namely, to determine whether or not these men in fact have forfeited their right to their pensions.

The minister talks about its being the company's money. That is in dispute, too. The men insist that, since it was part of what they were working for, they had an equity and the money is really theirs. I agree thoroughly with the men.

I could go on, but the point is as to whether or not the government will set up this royal commission. If the most we can hope for is the sympathetic hearing we have had from the Prime Minister, then I hope that on his return the government will get together and give immediate consideration to Mr. Johnstone's report. I urge as strongly as I can that the commission be established without delay.

The CHAIRMAN: Is the item carried?

Mr. BRACKEN: I would not suggest that this discussion be dropped, if it is the desire of the hon. member to continue it. But I suggest if it is to be continued it should not be continued to-night.

The CHAIRMAN: I understand that the particular matter has been concluded. May we carry vote 109 to-night?

Item agreed to.

The CHAIRMAN: Item 110.

Mr. BRACKEN: Oh, well, no.

Resolutions reported, read the second time and concurred in.

On motion of Mr. St. Laurent the house adjourned at 12.20 p.m.

Saturday, August 31, 1946

The house met at ten o'clock.

PROROGATION OF PARLIAMENT

MESSAGE FROM THE GOVERNOR GENERAL'S SECRETARY

Mr. SPEAKER: I have the honour to inform the house that I have received the following message:

Government House, Ottawa
Office of the Secretary to the Governor General
August 31, 1946.

Sir:

I have the honour to inform you that The Honourable Thibaudeau Rinfret, Chief Justice of Canada, acting as deputy of His Excellency