

lowed to be entered, affidavits on which the remedial order was not based, because the remedial order could not be based on material which was not before the courts, and which was put on one side. What would hon. members think if the Court of Queen's Bench in Manitoba heard a case, and during the case certain affidavit evidence was presented by the plaintiff, and for one reason or another, was withdrawn, and not entered, and not considered by the court in its judgment, yet, on certifying a case, as the court is bound to do, for appeal to the Supreme Court of Canada, the court should include in that case for appeal the affidavits that had been withdrawn. Why, it would be considered an outrage in that case, and it is all the more an outrage on the part of the Government, because if a court is bound to be fair, how much more is the Governor General in Council, the representative of the Queen, bound to be fair in a matter of this kind. And so the present Minister of Justice (Mr. Dickey) considered it at that time. Last session the matter came up on the motion of the hon. member for Simcoe (Mr. McCarthy), and Mr. Dickey with regard to that matter spoke as follows:—

Mr. DICKEY. I desire to make a personal explanation, not to offer any remarks on the subject before the House. The hon. member for North Simcoe (Mr. McCarthy) referred to the publishing of some affidavits which were put in evidence at the hearing before the Privy Council of Canada, and subsequently withdrawn as the case proceeded. The hon. gentleman seemed to feel that that was a great injustice, not only to himself but to others, and the present Government as an organization has quite enough faults to answer for without answering for my personal faults, and I therefore desire to take the personal responsibility of publishing those affidavits. They were put in and read, and subsequently, as the proceedings show, were withdrawn. Mr. Ewart claimed they should be printed, and there was no contest over it, in fact, the question was never raised. I was then Secretary of State, and the Printing Bureau sent and asked me whether they were to be printed, the message being received by me just as I was going into the room on the second or third morning, and without consulting my colleagues and without giving the matter serious attention, I said, "Certainly, they are part of the proceedings, print them, and print that they were withdrawn." I may have been entirely wrong, perhaps I was; I must say, on considering the matter when the printed book was placed in my hands, I thought I had made a mistake. What I want to say is that any observation founded on want of good faith or on the idea that there was any intention on the part of the Government in so acting is entirely mistaken. We are still subject, and I personally and particularly am subject to any remarks as to any practical injustice that has been done, but I do not want the House to suppose that there was any intention in placing the affidavits there, of taking any unfair advantage, and that there was anything more than a mistake made. The mistake occurred inadvertently, and the hon. members may refer to it as they think proper, but they should consider it not an intentional and wrong act.

Now, Mr. Speaker, it occurs to me that is a most manly, honourable, and straightforward explanation, and it was so accepted by the House. But what do we find this session? We find the hon. the ex-Minister of Justice coming forward boldly, and claiming it was right, claiming there was nothing wrong about it, that it was done deliberately and intentionally, and that it was justifiable. I say, Mr. Speaker, that it is an outrage. I say that no greater wrong could be done than to publish evidence withdrawn by the plaintiff, and never allowed to be answered. It is sometimes suggested; but why do you not answer these affidavits now. Why, that is worse than what I was talking about; it is settling the case after judgment. They want us to give our evidence after judgment has been rendered against us. What is the object of that? I suppose if we answered these affidavits now, there would be counter affidavits in reply, and the matter might go on for some time. But I say this, Mr. Speaker: There is an answer to these affidavits. I can say further, that these affidavits are not true so far as they refer to actions of mine. I do not propose to discuss them here, or to consider them at all in connection with this case. They were not made a part of the case. I never knew of them until after judgment was given. It is so manifestly unfair, and against the ideas of justice, that these affidavits should be published, that one would have thought that no government would do it, no matter how depraved, no matter how lost to all idea of fair-play and decency, as this Government in many cases has shown itself to be. Surely one would think they would have enough manliness, and enough decency, and enough fairness, not to attempt to prejudice the people of Canada, by sending broadcast, with the official stamp, documents that are no documents at all, affidavits that are not affidavits in this case, and which were withdrawn and never considered. Yet, with a view of attempting to influence the people of Canada, this Government have descended to this petty means. What do you think of a government capable of that? Were it not that this is in entire accordance with their conduct in many instances, my surprise would be greater than it really is.

Mr. AMYOT. Are you talking about St. François Xavier now?

Mr. MARTIN. Yes, with regard to St. François Xavier. What does the hon. member (Mr. Amyot) think with regard to that?

Mr. AMYOT. If the hon. gentleman will allow me to tell him, I will tell him.

Mr. MARTIN. Yes.

Mr. AMYOT. I think it was a most extraordinary way of imposing upon the people by false promises. False promises were made, while it seems it was the intention of the