

The CHAIRMAN: Mr. Vien, Mr. Forsyth takes objection to your statement that he is prejudiced. Mr. Forsyth apparently has an open mind also.

Mr. VIEN: I am quite willing to withdraw any objectionable expression, and I want it to be corrected on the record. What I had in mind is that Mr. Forsyth, acting on behalf of a competitive company, could not be called upon—it would be unfair for him, unfair for his clients, and unfair for the committee to ask an opinion of a solicitor who acts for a competitive company, to ask him to express a considered judgment on a question of law.

Mr. TUCKER: Mr. Vien knows perfectly well that interest only goes to the value of the evidence. It does not make it inadmissible. Mr. Vien knows that. Why does he get up here and try to say that interest disqualifies a witness?

The CHAIRMAN: Please, Mr. Tucker.

Mr. TUCKER: After all, some of us know a little bit of law, and we know that interest does not disqualify a witness. It only goes to the weight that should be attached to his evidence. We realize that Mr. Forsyth represents another company. After all, that has already been brought out.

Mr. JACOBS: Let us have your ruling, Mr. Chairman.

The CHAIRMAN: Is it the desire of the committee that Mr. Forsyth be asked to answer the question? Will all those in favour stand? Now those opposed? I declare the motion lost. The chair rules that the question is out of order.

Mr. WARD: I do not think you are in a position to rule that.

Mr. VIEN: The ruling is given.

The CHAIRMAN: Mr. Ward, will you please make your statement so that I can hear it?

Mr. WARD: I do not think you are in a position to rule that, Mr. Chairman, because the committee does not understand what is before it.

The CHAIRMAN: Well, I thought some of them did. They voted.

Mr. QUELCH: Mr. Chairman, we have had filed two briefs from this witness, and they are his interpretations apparently of the legal aspect, to a certain extent.

Some Hon. MEMBERS: No.

Mr. QUELCH: They refer to the interpretation of the act regarding these rates and file this.

Mr. VIEN: The facts.

The CHAIRMAN: The Chair rules that anyone in the committee may ask any question arising out of the brief.

Mr. VIEN: Yes.

Mr. CHAIRMAN: But the chair would suggest that no questions be asked that are not raised within the brief.

Mr. COLDWELL: In order that we may be quite clear with regard to this vote, if the vote is whether or not a question shall be asked from a counsel—

The CHAIRMAN: Yes.

Mr. COLDWELL: —on a point of law—

The CHAIRMAN: Yes.

Mr. COLDWELL:—then I say we shall vote in one way; if however, it is purely a point connected with the brief, then one would vote perhaps a different way. Just what is the point we are to vote on?

Mr. TUCKER: My question is this: Have these people the right to charge the rates which they have been charging, in your opinion?

The CHAIRMAN: I rule that is a matter of law, Mr. Coldwell.

Mr. COLDWELL: Yes, I think that is right.

Mr. MARTIN: All right.