

not connected with the Government merely because his client happened to have some other business with the Government—especially when none of it is business that comes before the Senate. A Senator or Member of Parliament with any considerable connection would lead a most precarious life if that sort of rule were laid down.

Now it is as plain as anything well can be that on the evidence here neither Senator Haydon nor his firm had any connection whatever, professional or otherwise, with the passing of Order-in-Council P.C. 422. There is the evidence of both Senator Haydon (p. 189) and of his partner Mr. Ebbs (p. 71 foot). But more convincing still is the evidence of the very persons who were active in obtaining this Order-in-Council. There are Frank P. Jones (pp. 388-389 Coms. Com.); Mr. Geoffrion who appeared the day the Order was passed, (p. 677 Coms. Com., and see his evidence p. 26 of this Coms.); Andrew T. Thompson (p. 341 and 350 Coms. Com. and p. 107 et seq.; this Com.) Ainslie W. Greene (p. 750-732 Coms Com.) Then there were Mr. Swezey and Senator McDougald who were both examined at great length as to what persons they had seen as well as a number of Departmental officers. No witness whomsoever throughout the whole long story, either before this Committee or before the Commons Committee ever named Senator Haydon or his firm in connection with this Order-in-Council.

Further it now appears clearly that there was no conditional retainer. In his evidence before the Commons Committee Mr. Swezey through his imperfect memory of events was led into a statement regarding his arrangements with Mr. McGiverin that he now admits, and which the documents demonstrate was incorrect. He had said that his first arrangements with Mr. McGiverin were for a \$50,000 fee conditional on the passing of the Order-in-Council, and a fee of \$15,000 a year for three years (p. 728 Coms. Com.). He now admits he was wrong (p. 56 Senate Com.). The records show that the retainer was only \$7,500, and was paid at once, on October 4, 1928 (see copy of Ledger filed). The \$50,000 fee and the three year retainer were later arrangements (p. 56 this Committee). The three year retainer only began October 1, 1929, and the first payment on account was made June 12, 1930, (ex. 86). The \$50,000 fee was paid on October 17, 1929 (Ex. 85).

It is to be noted that both the \$7,500 paid October 4, 1928, and the \$50,000 are the cheques of the Marquette Investment Corporation and not of the Beauharnois Power Company Limited. This was money of the Syndicate. Counsel for the Committee have at times during the enquiry spoken of the money of the Syndicate as if it were public money or money got from the public by the sale of securities of the Beauharnois Power Company Limited. There is no warrant for this. It was the Syndicate's money in every sense and no one else's. It came out of the funds the Syndicate had provided for its expenses.

This unfounded story of a contingent retainer is a sample of the distorted and unjust statements that result from the methods employed in the examination of witnesses before the Commons Committee. Statements are extracted from witnesses that are palpably in conflict with the very documents then in hand by which the business was carried out.

It is further to be borne in mind that it was Mr. McGiverin with whom Mr. Swezey made his arrangements—not Senator Haydon. Mr. McGiverin was a man of standing and his services were desired and he was free to give them. It was he who set the fees that were paid and the persons who paid them have not complained.

It is submitted that there is no evidence whatever before this Committee to support any criticism of the conduct of Senator Haydon.

Dated this 8th day of April, 1932.

R. S. ROBERTSON.