

At the House.

IMPORTANT DEBATE ON THE GOODISON ISSUE—OPPOSITION MOTION OF CENSURE VOTED DOWN.

WEDNESDAY, April 26.

Petitions were presented by Mr. Cliff from the Newfoundland Brewery, Ltd., the Bennett Brewing Company, Ltd., and the Lindberg Brewing Co., Ltd., asking for compensation for the interference by Prohibition legislation; also by Mr. Downey from Codroy Valley asking that it be made obligatory on the part of sportsmen to employ guides; by Mr. Stone from Ireland's Eye asking for telegraphic communication, and by Mr. Currie for a road and equipment of Fire Brigade at Carbonear.

The report of the Patriotic Association by His Excellency the Governor was tabled by the Colonial Secretary.

The House was then moved into Committee of the whole to consider the report of the enquiry made into the irregularities reported by the Auditor General in the handling of the public monies at Victoria Village and also to consider the findings against Mr. J. R. Goodison, the member for that District. The Speaker, the member accused, then stated as an explanation of his conduct that he had nothing further to say beyond the sworn statement he gave before the Auditor General. He thought that what he had done was within his jurisdiction as a member and repeated what he said to the Auditor General that in what he had done he was following out a custom which he knew prevailed in other districts as well as his own. The Speaker then retired from the Chamber. Silence prevailed for several minutes until the Premier stood up and moved that the Committee rise, which was contained by a resolution being moved of want of confidence in the Speaker.

Mr. Lloyd, Leader of the Opposition, rose and said he begged to move the following Resolutions:—

"Be it resolved that this House having heard, in Committee the statements of Mr. Goodison, the member for Carbonear, regrets that the Honourable member has expressed no regret or contrition for conduct which has been condemned in a report on the expenditure of public money in Victoria Village, in the District of Carbonear, and be it resolved further that the House and Committee can no longer hold him in that confidence which the continuance of his tenure of the office of Speaker should command."

The Premier was opposed to the Resolution and that there was nothing before the House to justify it and he thought that the member for Carbonear had done all was necessary. From the evidence in the Auditor General's report (the Premier) was satisfied that nothing beyond a mere irregularity could be ascribed to the member for Carbonear and that what he had done had been the custom for the last 50 years. He admitted that it was contrary to law for a member to spend the road grant without authority but he knew of cases where members went outside their jurisdiction in their constituency. The Premier was the only member who caused the member for Carbonear was not a participant in any financial profits, directly or indirectly, that the committee ought not to vote against himself on record as to in any way throwing a doubt on Mr. Goodison's actions.

Mr. Cliff considered the occurrence as one of the most regrettable he could remember during his association with the Legislature. He was surprised at the explanation given by the Speaker in answer to the report of the Auditor General in reference to the expenditure of public monies in the district of Carbonear. He was more than astonished that the Speaker should repeat to the House what he had stated in his evidence before the Auditor General, namely, what he had done was in accordance with the custom of the country. (The Cliff) had a seat in the House for 20 years and had been otherwise identified with the Legislature the last quarter of a century and he could not recall a single instance where it was ever shown that such a custom existed, whereby a member of the House on his own initiative gave an order to a Chairman of a Road Board authorizing him to expend money upon public works. Mr. Cliff pointed out that the only occasion was occasion for a member to obtain money for public works that the only way was to make application to a department for an allocation and the persons authorized by that department spent the money. He regretted that the Speaker had not thought fit to refer to the fact that the member for Carbonear had admitted to have done. He said Mr. Cliff, we admit that the custom claimed by the Speaker is in fact wrong, then we got to admit also that we have been transgressing the law which we have solemnly made in the House for the purpose of protecting the public interests in the expenditures of public monies. He was disappointed that the Leader of the Government had not taken steps to lay down definitely what the law was on the matter before the Chair and condemn the practice that the Speaker designates the custom of the country. In conclusion Mr. Cliff expressed the hope that this so-called custom be done away with for the benefit of the Legislature and the country at large.

Mr. Cashin thought the whole affair was a sea in a teapot. He saw nothing wrong with what Speaker Goodison had done, but rather commended his act, though later on Mr. Cashin inferentially said that Mr. Goodison should be unseated. He was 24 years a member and had remembered that at one time there was a special grant, though it was not earmarked, voted for members of the House to distribute in their districts for public works. There was a custom clearly for in 1883 many members of the House of that day were unseated and disqualified for doing exactly the same thing as the member for Carbonear has done to-day. He believed that Mr. Goodison, through goodness of heart, gave relief to those who came looking for it, and in his (Mr. Cashin's) opinion Mr. Goodison had not transgressed and hoped that he will be in a position to do the same

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Mr. Higgins stated that so far as his knowledge went local demands made by constituents on the spot had been responded to.

Mr. Morris admitted that a member cannot take the authority upon himself to allocate money but can only requisition through the Board of Works Department, but speaking from a legal standpoint he said where law versus custom is an issue, law takes second place when custom is established and that that is the position the Speaker, who had vindicated himself by his appeal to custom.

Mr. Lloyd retorted that was remarkable law. Mr. Morris then spoke of the demands on members by constituents in winter time and told that before the Audit Act was passed it was the custom for members to allocate money. In this case he believed the Speaker had legally erred although it was not a case of "forgot the law." Mr. Morris said he would vote against the Resolutions.

Mr. Emerson was of the same opinion that he saw nothing wrong about Mr. Goodison's conduct and

stated that if the custom of allocating money himself in his district for public works, instead of through the proper department was wrong, that he was guilty 500 times and every member was guilty.

The Leader of the Opposition, Mr. Lloyd said the Opposition had no desire to push the matter to extremities. Had the member for Carbonear, after learning the findings of the Auditor General, had expressed regret to the Committee for his grave offence against the House, the Opposition would have been content to let the Committee rise, without taking further action. But the honour of the House, which was the guardian of the People's money and of the authorized means of expending has not been vindicated, and the action of that member in offering no apology was a blotting of the House, and the attempted vindication of him by Ministers of the Crown and members of the Government was far worse than the original offence, and against this the Opposition would protest emphatically. The remarkable principle of Jurisdiction laid down by the member for Carbonear was surprising, but it had been sufficiently answered unwittingly by the Minister of Finance

and the member for St. John's East (Mr. Higgins). Mr. Cashin had reminded the Committee that members of the House had been unseated for doing what he claimed was the same thing as the member for Carbonear had done, and Mr. Higgins had stated that had the evidence adduced supported a Petition to the Supreme Court, the member for Carbonear would have been unseated. This was sufficient to show that the Supreme Court did not put Statute Law second to Custom, but that that Court overruled Custom by Statute Law. What ever Custom had prevailed at one time, the law as it stood overrode it, and the Audit Act and the rules made under its authority by the Governor in Council had set the seal on the matter and it was most appalling to hear that House a vindication attempted of overriding the Statutes of the Legislature by an iniquitous custom. He did not believe that the member for Carbonear was ashamed of his confession. This very shamelessness called for protest, and made it the duty of the members of the Committee to vindicate the honour and dignity of the House. Fortunately for himself Mr. Emerson did not propose to go back to Carbonear. He said money

is provided for local Boards on the authority of the House and he never heard in his experience of such a custom as that set forth by the Government members. In his remembrance not one cent of ordinary road money had been at the disposal of a member and no member had attempted to usurp the functions of a road board in regard to it. As to special grants, the authority for spending it had always been the Minister of Public Works and all the members had the right to do was to sign a requisition to the department, asking the Minister to use his authority to send it out. This was in accordance with the Audit Act. Mr. Lloyd said it was the first time he ever heard of any member in the House stand up, as did the member for Fortune Bay, and state that 500 times or that even on one occasion, he has been guilty of such a practice. The member ought to be ashamed of his acts and the Committee was shamed by his confession. This very shamelessness called for protest, and made it the duty of the members of the Committee to vindicate the honour and dignity of the House. Fortunately for himself Mr. Emerson did not propose to go back to Carbonear. He said money

that any vindication should be attempted. It was a reflection on the Committee that any Minister of the Crown or any member of the House should treat as trifling such a flagrant outrage on the honour of the House. Added to the gravity of the offence was the countenancing of the distributing Government money and Government work by means of the truck system. He (Mr. L.) would go on record as would his colleagues in protesting against the brazening out an outrage on the rights of the Legislature.

Mr. Coaker followed in a brief, though incisive speech. He regretted that the member for Carbonear did not see fit to express regret for what he had done and he equally regretted that Government members had condoned his actions, hence the motion made by the Leader of the Opposition. He (Mr. Coaker) contended that, at least, those who made the law should be made carry it out. It said he such conduct as has been revealed to us in the sworn testimony, what can be expected of the future. He argued that if the sealing law is violated, say by the killing of seals on date prohibited by law, the offender is brought to court and punished severely either by heavy fine or by imprisonment. In the present case he said the people will be the Judge and they will ask why the Government justified the conduct of the member for Carbonear, who admits that he did break the law but "forgot the law." He criticized the member for Fortune Bay who said he had acted the same as Mr. Goodison did 500 times. He showed that the Government was adopting the principle of making a right out of two wrongs by shouldering the responsibility and whitewashing a man who had usurped the functions and authorities of the Public Works Department in the spending of public monies in the District of Carbonear. He assured the Premier that the member for the north would not hold for such a law and he recalled the treatment accorded the man of "forgot-the-law" game in 1913 because his conduct had poisoned the people of the north. He added that the electorate would be more severe in condemning the next election the Government for putting their stamp of approval on the conduct of Mr. Goodison, the member for Carbonear, admitted that he had done wrong.

Mr. Higgins did not agree with Mr. Coaker that the attitude of the Government was a process of whitewashing. He did not see any reason in the slightest way as to why the member for Carbonear should come in with an abject apology for what he had done, as he believed that he could have been put in the same position himself. Besides the matter was of no importance.

Mr. Lloyd pointed out that the member for St. John's East has endeavoured to minimize the effect of the lack of any expression of contrition for the conduct of the member for Carbonear. He also wished to point out that the matter was of grave importance, as it was an offence against the House. No one, he said, asked for an abject apology, but merely for a manly expression of regret due to the dignity of the House when the honour of the House had been outraged and to prevent other members from following his footsteps. Otherwise the action of the Committee was an invitation for other members to go and do likewise and to perpetuate the iniquity.

The Resolution was then put by the Chairman of Committee and lost on a strict party vote by 16 to 12. When the House came out of Committee a negative report was given the Speaker.

The Leader of the Opposition (Mr. Lloyd) then rose and moved as an amendment to be put on the records of the House the following Resolutions:—

"Be it resolved that this House having heard in Committee the statements of Mr. Goodison, the member for Carbonear, regrets that the Honourable member has expressed no regret or contrition for conduct which has been condemned in a report on the expenditure of public money in Victoria Village in the district of Carbonear; and

Be it resolved further that the House and Committee can no longer hold him in that confidence which the continuance of his tenure of the office of Speaker should command."

Mr. Cliff seconded the amendment, which on being put to the House was lost on a party vote again by 16 to 12.

The Select Committee's report on the Municipal Bill was presented and adopted.

A Bill to regulate the Censorship of Moving Pictures was introduced and read a first time. Amendments to the Education and Trawl Fishing Bills were concurred in.

The Bills respecting the operation of saw mills, exempting timber on private lands from paying royalty, was read a second time as was also the Bill relating to the Exportation of Timber. This latter Bill provides that timber be exported to England and France until 6 months after peace is proclaimed. Some brief discussion took place between Mr. Cashin and Mr. Coaker, the latter again bringing before the notice of the House that practically all the timber on the 3 mile limit was removed principally on account of the Government allowing contractors to cut there, even though the law prohibited it.

Mr. Coaker drew the attention of the House to the fact that our Naval Reservists had to travel in our trains second class while members of the Regiment were provided with sleepers. He asked why the discrimination was made.

The Premier promised an enquiry, The House then adjourned.

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