

Sir WILFRID LAURIER: There is no disposition at the present time to blame the Minister of Justice for having consented to the withdrawal of the appeal. This motion is made simply for purposes of information. My hon. friend has done nothing more than to relate the facts of the case and to ask for further information as to the reasons which have prompted the Government at the last moment to withdraw the appeal from the judgment rendered by Mr. Justice Audette. My hon. friend the Minister of Justice has disclaimed responsibility for the advice given to the Crown, and I do not blame him for doing so. He has stated that, in the discharge of his duty as Minister of Justice, in view of the numerous law cases with which the department has to deal, he cannot be expected to give his personal attention to every case, and that in all cases, when the whole question involved is one of valuation of properties, he has to rely to a certain extent upon the opinions of others. I am quite prepared to admit that. The Minister of Justice, of course, must rely upon the advice of the counsel whom he employs. The hon. gentleman in this case has entrusted the matter to Mr. Chapleau, a member of the Quebec Bar; he, I understand, has acted upon the advice of his counsel.

The only point upon which I should like to have further advice or information, information which perhaps the papers which are to be brought down will disclose, is as to who really is responsible for the action taken by the Crown. It is difficult to suppose that Mr. Chapleau would wittingly give advice to the minister in face of the strong reasons which he previously adduced for taking the case to appeal. I agree entirely with my hon. friend the Minister of Justice that in a case of this kind any court of appeal would be indisposed to disturb the finding of the court below.

In this matter, the only point at issue was the value of the property. The Crown, when the matter was first brought to its attention to take action, offered the sum of \$39,000 to the owners of the property. The award was almost double that amount—\$69,000. That, of course, is nothing against the propriety of the award, but when there is such a large discrepancy as that, it is not improbable that there may have been an error on the part of the judge, as my hon. friend stated.

My hon. friend (Mr. Lemieux), and the hon. Minister of Justice himself have paid [Mr. Doherty.]

a tribute to the ability and character of the judge. Every one knows that Mr. Justice Audette is a most competent man; but my hon. friend knows that there is no man, however eminent he may be, who does not make mistakes at some time or other. On reading the reasons given by the counsel for the Crown, one would come to the conclusion that in a matter of this kind the judge had made such an error that when the Superior Court of Appeal had its attention called to the matter, it would be bound to take notice of the error and come to the conclusion that the judgment should be reversed.

My hon. friend the Minister of Justice has laid some stress upon the fact that Mr. Chapleau may have been induced to give to the Crown the advice of withdrawal owing to the fact that there had been a counter appeal. For my part I am not influenced very much by that consideration, neither do I believe that counsel for the Crown was very much influenced by it. There was an expropriation demanded: and in view of the judgment which was rendered by the court, even if in the contentment of the Crown the amount awarded was exaggerated, that would be simply further evidence that the claim had been not only exaggerated, but enormously exaggerated: therefore the counter appeal was more in the nature of a bluff than anything else, and consequently counsel would not be influenced by it.

What was the reason why, when counsel for the Crown had taken such a strong position as to advise an appeal in a pure matter of arbitration and valuation of property, he should all of a sudden change his opinion and advise the withdrawal of the appeal? That is a point as to which, for my part, I cannot see that any sound reasoning can be given. Counsel having taken the strong position which he did take could not, in my humble opinion, afterwards come to a conclusion that he had better withdraw his appeal because the other side had also withdrawn their appeal. This is a case which, I think, calls for more information than we have at the present time. The papers will be brought down, of course, and we will then see what can be the reason the Crown gives for taking the position it did take. Without going further, I can only say to my hon. friend that, on the information so far before us it would seem that the department would have been justified in deciding to get the opinion of the Supreme Court in this matter. I say no