

You will recall that immediately after the Chief Justice was appointed and before he was able to organize the enquiry, the Government of Ontario appointed two Commissioners, Chief Justice Latchford and Mr. Justice Smith (retired) to make investigation of virtually the same subject-matter. That this was done merely to head off the enquiry to be made by the Chief Justice of Canada was, of course, manifest to all, and was made abundantly clear by the action of the new Commissioners in Ontario, who met within a few moments after their appointment and before those affected had any notice thereof, and received in evidence a large mass of material affecting myself and others concerned without my so much as knowing that a sitting was taking place or even that a Commission was appointed. Their purpose very obviously was to see that no other Commissioner could get access to these important documents.

This Commission, known as the Latchford-Smith Commission, commenced its sittings on July 13 and concluded on August 23 last. I shall not comment on the conduct of their investigation, as the nature and spirit of it was glaringly clear from the beginning. Although my conduct complained of was conducted in a public capacity, I was immediately denied even a recommendation that counsel be provided, contrary to all precedent of which I have knowledge. Further, the Province of Ontario was represented by counsel who was himself one of my accusers. These facts speak for themselves and need no elaboration by reference to a series of remarkable decisions and failure of decisions on the part of the Commissioners which marked the entire proceeding. The whole affair was used mainly as a sounding board for the accuser, acting as public prosecutor, for the purpose of newspaper headlines.

As you are aware, I left Toronto for Australia on 3rd October. On or about the 27th of October the report of the Commissioners was handed to the Government of Ontario and by that Government handed to the Press, or certain of the Press. Extracts from the report were published. Ever since these extracts were published, Mr. P. H. Gordon, K.C., acting as my solicitor, has been endeavouring to procure a copy of the report from the Secretary of the Commission, from the Counsel for the Hydro Commission during the investigation, and from the Government itself. He has been denied at all sources a copy of the report or the privilege of making a copy himself—this on the plea that it must first be presented to the Legislature. One cannot help admiring the delicate solicitude for the right of the Legislature to have prior access to a public document several months after such document has been handed to the Press.

On being finally refused access to this report by the Premier's office, I perused the extracts in the press. Inasmuch as the evidence given (though all produced by the accuser) contained so far as I could observe no conflict of testimony, it is to me incomprehensible that the Commissioners have utterly failed to grasp even the fundamental facts.

In so far as the so-called finding affects myself, it appears to be based on a conclusion that the action of the Hydro Commission on 2nd August, 1932, in acceding to the request of the Ontario Government to put through a purchase negotiated entirely by that Government and wholly on the credit and responsibility of that Government involved an exercise of discretion

Right Hon. Mr. MEIGHEN.

as to the merits of the bargain by the Commission itself, and that the Commission should have reviewed the entire transaction and acted as a sort of Court of Appeal over the Government of the day in respect of a matter which was entirely governmental and provincial.

The Commissioners find that the indemnification given the Hydro Commission by the Government through an Order in Council "is ineffectual because it creates a liability on the Province that cannot be created by Order in Council." You will find it hard to believe that these Commissioners took pains to omit in their report that this indemnity thus given was subsequently ratified by the Legislature and that the ratification speaks from the moment such indemnity was given, although these facts appear time and again in uncontradicted evidence, and in argument.

There is perhaps nothing in the report so far as published quite so amazing as a finding that the seven hundred odd partner municipalities for whom the Hydro Commission has always acted as Trustee are not in reality owners of the property administered by such Commission. This finding does not at all affect myself and is only referred to as indicative of the calibre of the report.

While it is true that the report so far as I can ascertain appears to have received little if any public attention and has made still less impression on the public mind, nevertheless I feel, as expressed in previous communications, that I am entitled to have this matter cleared up authoritatively by a member of the Judiciary of the very highest standing in Canada of whose fairness and capacity there can be no question whatever.

Shortly after the appointment of the Latchford-Smith Commission, the Rt. Hon. the Chief Justice gave out a statement to the effect that the authority vested in him to hold enquiry would not at that time at least be exercised. I earnestly request that intimation now be given the Chief Justice that your Government is of the view that he should undertake the task which was vested in him by Federal Order in Council of July last.

It is my sincere hope that you will see your way to accede.

Yours very truly,

Arthur Meighen.

The Prime Minister replied on the 7th of January as follows:

My dear Colleague:

I have your letter of the 4th instant, in which you request that I intimate, on behalf of this Government, to the Chief Justice of Canada that we would be pleased if he would now proceed to execute the Commission entrusted to him by Order in Council of July last respecting certain charges affecting yourself.

While I have not yet seen a copy of the Latchford-Smith report, I have perused extracts from such report made in the press of October 27 last.

It is plain from these extracts that, in so far as the Commission has made a finding respecting yourself, it is based upon their interpretation of your legal position when, on August 2, 1932, and subsequent dates, you, as a Hydro Commissioner, took part, with your fellow Commissioners, in a decision to comply with a request of the Government of Ontario to carry through for that Government the purchase which it was making