

# CENSURE OF HOUSE SOUGHT BY NIXON IN ORILLIA CASE

## Tells Legal Committee That Method Should Be Condemned

### OBJECTS TO FINDINGS

#### Opposition Protests, But Majority Vote Records Committee Exoneration

Progressive Leader Harry Nixon intends to put up squarely to the Legislature the proposition that it should condemn "the method employed in bringing about the removal of Daniel McCaughrin from the office of Police Magistrate."

Mr. Nixon made this announcement yesterday at the meeting of the Committee on Legal Bills which, eventually adopted by majority vote the recommendation of the sub-committee, clearing the Government in respect to the method of retirement.

The report, however, suggested consideration for direct payment by the Crown to deserving officials on their retirement.

#### Bartering Denied.

There was "no bartering or trafficking in office" in connection with Daniel McCaughrin's removal from the Orillia Magistracy, according to the subcommittee report accepted—with Opposition members dissenting—by the Ontario Legislature's Committee on Legal Bills. The report was presented yesterday afternoon, and a debate on the issue was forecast for its appearance in the House.

Hon. Charles McCrea, Minister of Mines and Committee Chairman, read the findings, and at each clause dissent was expressed by the Opposition group. Only with that paragraph providing reference of the evidence to the House was Hon. Harry Nixon, Progressive Leader, in accord. He had contended that no comment should be made when the evidence was submitted to the Legislature.

In the main the findings claim that Mr. McCaughrin's inefficiency merited his retirement; set forth the arrangement whereby he received an allowance from his successor, Magistrate Howard Gover of Coldwater; recite circumstances of the swearing of Mr. McCaughrin's statutory declaration and its publication; refer to precedents for the payment, and suggest consideration for direct payments by the Crown to deserving officials on their retirement.

#### The Findings.

The findings in full follow:

"1. That Daniel McCaughrin, as Police Magistrate of Orillia, was inefficient;

"2. That it was in the public interest that he be retired from such office;

"3. That Hon. William Finlayson, member of the Ontario Legislature for Simcoe East, endeavored, at the request of the said Daniel McCaughrin, in the interests of the said Daniel McCaughrin, to arrange a lump sum allowance to be paid to him by his successor in office;

"4. That an arrangement, subject to the approval of the Attorney-General's Department, was agreed to on Nov. 25, 1933, by Daniel McCaughrin whereby:

"a. Daniel McCaughrin in writing (Exhibit 19) resigned his position as Police Magistrate of Orillia;

"b. His successor, one Howard Gover, agreed in writing (Exhibit 20) to pay the said Daniel McCaughrin the sum of \$2,000

distributed over a period of three years, being \$750 the first year, commencing Jan. 1, 1934; \$750 in the following year, and \$500 in the third year;

"5. That after such arrangement was entered into, but before approval by the Attorney-General's Department, by whose officers the details were to be worked out, the said Daniel McCaughrin repudiated the arrangement entered into and endeavored to obtain a better settlement from the Attorney-General's Department. In this he failed.

"6. That the 'charges,' or statements amounting to 'charges,' referred to in The Toronto Globe of Dec. 22 and 23, 1933, are summarized and set forth in a statutory declaration (Exhibit 1) sworn to by Daniel McCaughrin at Orillia on Dec. 20, 1933, twenty-five days subsequent to the date of the meeting between Howard Gover, Daniel McCaughrin and the Honorable William Finlayson, in the office of the Honorable William Finlayson at Toronto, on Nov. 25, 1933, which declaration was prepared under the direction of Harry Johnston, Ontario Liberal Organizer, in the office of George McLean at Orillia, the former defeated Liberal candidate in Simcoe County; and subsequently and after it was sworn to, the said Harry Johnston and the said Daniel McCaughrin came to Toronto;

"7. On the following morning, Dec. 21, 1933, the said Harry Johnston and the said Daniel McCaughrin went to The Globe newspaper office and there discussed the said document with, and left it with, Mr. Harry Anderson, with the instructions and understanding that no use was to be made of the same by way of publication until he (McCaughrin) should give authority to do so. The said McCaughrin then visited the Attorney-General's Department and saw Mr. Bayly, the Deputy Attorney-General, and because Mr. Bayly, the Deputy Attorney-General, would not agree to Mr. McCaughrin's terms, the said McCaughrin left Mr. Bayly's office and got in touch immediately with Mr. Harry Johnston and went back to The Globe office, where a conference was held, at which, among others, there were present Mr. Anderson, Mr. McIntosh, Mr. Arthur Roebuck and the said Harry Johnston, and decision was made to publish the said declaration as well as correspondence filed as exhibits;

"8. The evidence shows that there was no bartering or trafficking in office, and that what took place in Mr. McCaughrin's behalf, and at his request was merely an endeavor to provide him with a retiring allowance;

"9. The evidence further shows that what was done on behalf of Mr. McCaughrin did not differ in principle from precedents under various Attorneys-General over a period covering thirty-five years, particulars of which precedents are embodied in this report;

"10. Attached hereto is the evidence taken at the hearing by the committee and the various exhibits filed in connection therewith;

"11. Your committee respectfully suggests that the Government give consideration to direct payment by the Crown of a retiring allowance to a retired official where, on the facts and circumstances of the case, it is expedient, deserving, and in the public interests, that an allowance be made."

#### No Further Evidence.

At the outset Mr. McCrea stated that there had been no suggestion of any further evidence being called and that there had been no request for further witnesses to be heard in the meantime. He pointed out that the special committee, comprising Mr. Nixon; Dr. G. A. McQuibban, Liberal House Leader; Hon. Leopold Macaulay and himself, had met to see if they could agree in bringing in a report.

After outlining "in skeleton form" the sequence of events in connection with the case, and referring to the various heads under which the evidence had been classified, Mr. McCrea presented "the findings" of the committee.

Mr. Nixon at this juncture declared: "I am objecting to all the findings, on the ground that we are not instructed to make findings, but to take evidence."

Mr. McCrea—Is that your only objection?

Mr. Nixon—That is as far as I wish to go at the present time.

The findings were taken clause by clause and carried by the committee, with Opposition Leaders objecting. Clause 10, which read: "Attached hereto is the evidence taken at the hearing by the committee and the various exhibits filed in connection therewith," was an exception, Mr. Nixon smilingly remarked, "Carried unanimously."

Mr. McCrea stated that the findings were an important part of the

whole thing. The committee had been asked to say whether or not there had or had not been any bargaining or trafficking in office. What had taken place, he said, was "an endeavor to provide him (McCaughrin) with a retiring allowance."

#### Retiring Allowance.

Clause 11, which suggested that the Government give consideration to direct payment by the Crown of a retiring allowance to a retired official, was cited next by Mr. McCrea, and Mr. Nixon injected: "This is more or less aside from the other thing."

The Progressive Leader further contended they were "going crazy" on the question of retiring allowances. Here, he claimed, they had a man who, through the period of the depression, had a good job and had been paid \$20,000 over a period of years. "I am not going on record in general approval of retiring allowances to these fellows who only work a short time for the Crown. Why should the Province be under an obligation to look after them as long as they live?"

In the course of further discussion Mr. McCrea pointed out that superannuation did not apply to men holding positions similar to that which had been held by Mr. McCaughrin. Precedent showed, he claimed, that there had been a willingness on the part of Governments to give recognition when a man got up in years, and was unable to render the service the public would like, and he had nothing to live on.

Mr. Nixon—You are not finding that in this particular case?

Mr. McCrea—No.

The Chairman also said that such recognition had been given in the days of the Drury, Whitney and Ferguson Governments, but there had been no definite suggestion that it should be done directly by the Crown as had been charged.

The Progressive Leader asked Mr. McCrea to read again the clause in connection with this matter.

#### On Its Merits.

After this had been done, Mr. Nixon remarked: "I think every case ought to be dealt with on its merits in the Legislature." He also added, in the course of further discussion, that a recommendation should come from a Minister.

Mr. McCrea stated that nobody wanted to have his case "paraded" as to whether or not he would receive \$500 or \$1,000. "It is only a suggestion," he conceded, "if it is left out I am perfectly content."

A. E. Honeywell (Conservative, Ottawa North)—I think it is desirable that the Legislative body do discuss that very point. It is a subject worthy of the consideration of the Government.

The Progressive Leader then presented an amendment to the effect