

# Members Reverse Speaker's Ruling By Vote of 63 to 17

## Hepburn Refuses to Withdraw, Appeals to House, and Is Supported

### ROW ABOUT "BRAZEN"

**I** WONDER now if the Honorable the Leader of the Opposition will make any more statements about his rugged honesty. Let him not make any such statements if he has any regard for honesty and truth.

These were the biting words hurled across the floor of the Ontario Legislature yesterday and directed toward the Hon. George S. Henry by Premier Mitchell F. Hepburn, who flayed the Leader of the Opposition for "insinuations" that Conservatives had gone to their graves as the result of persecution by Liberals.

#### Premier Regrets Speaker's Ruling.

Yesterday's bitter incident is believed to have made history in the Ontario Legislature, for Premier Hepburn flatly refused to accept a ruling of Speaker N. O. Hipel, and in an appeal to the House, had his objection sustained by a vote of 63 to 17, on the part of the members. The division was a party split—17 Conservatives against 63 Liberals who were in the Chamber at the time.

Mr. Henry's charge on Tuesday that a Hydro workman in East York had "died of a broken heart" as the result of persecution by Liberal members of the working gang was hurled back at the Leader of the Opposition when the Premier produced an affidavit from the deceased workman's wife, which stated that, in her opinion, her husband's death was a direct result of Mr. Henry's promise, allegedly broken, to secure him another job.

#### Refutation Strengthened.

A second affidavit produced by the Premier and signed by Thomas W. Underwood of Markham, for many years a supporter of Mr. Henry by his own admission, strengthened the Premier's refutation of Mr. Henry's charge concerning the East York Hydro workman's death.

"On his deathbed," Mr. Underwood swore in the affidavit, "he (James Peake, the Hydro workman) told me that he would not have been there (on his deathbed) if Mr. George S. Henry had carried out his promise to give him a job after he had resigned his position with the Hydro-Electric Power Commission."

"The Honorable the Leader of the Opposition has been making too many of those charges," declared Mr. Hepburn. "He told us some time ago that in his opinion the death of the Hon. Robert Cooke was a result of persecution at the Abitibi inquiry."

#### Henry Denies.

Mr. Henry jumped to his feet and denied having made such a statement.

"Well, what can you do with a man as brazen as that?" asked the Premier.

Mr. Henry was again on his feet demanding a retraction of the word "brazen." He declared that several days ago the Speaker of the House has ruled out of order the word "brass" uttered by the Attorney-General.

Speaker N. O. Hipel, after some delay in attempting to make Mr. Henry repeat the words he objected to, ruled that the word "brazen" was "unparliamentary."

"I cannot accept your ruling, Mr. Speaker," declared Mr. Hepburn. "I regret that I can't, but I will have to appeal to a vote of the House."

The Chief Whips of both parties retired to round up the members, and the vote on the Speaker's ruling was shortly taken, with the vote overwhelmingly against Mr. Hipel on a straight party vote. Sam Lawrence (C.C.F., Hamilton) voted with the Opposition. The vote was 63 to 17.

#### Cooke References.

"Would any honorable member of the Opposition get up and say that their Leader did not make that statement about Mr. Cooke's death?" asked the Premier.

"I suppose Harry Johnston rounded up those affidavits," put in the Hon. Leopold Macaulay (Conservative, South York).

"Harry Johnston had nothing to do with them," returned the Premier.

Morgan Baker (Liberal, North York) declared that, in his opinion, the word used by Premier Hepburn was not "strong enough."

"Order, order!" shouted several members.

Later Mr. Baker, given the floor by

Speaker Hipel, declared that the Hon. George S. Henry's statements concerning the Hydro workman were an "insult" to the citizens of Markham Village.

#### Visit to Former Premier.

In Mrs. Margaret Peake's affidavit she declared that she and her husband had visited Mr. Henry after his alleged promise to find another job, and had been informed by the then Premier, in 1930, that "he would do something." Mr. Underwood's affidavit stated that Mr. Henry had advised Mr. Peake to resign his position from the Hydro and that he (Henry) would find him another position.

Mr. Henry explained that he had suggested to Mr. Peake that he had better resign and that he would speak to the Hydro Chairman in regard to having Mr. Peake reinstated in another position.

A previous statement by the Leader of the Opposition that the great majority of Hydro workers were, before the June election, Liberals was termed "silly" by the Attorney-General.

Going back to Mr. Henry's statement regarding the former Hydro worker's death, Mr. Hepburn declared: "It is a serious reflection on the citizens of Markham. In all fairness, the Leader of the Opposition should withdraw the statement and apologize."

The Leader of the Opposition was silent.

"Apparently," put in the Premier, "the Honorable the Leader of the Opposition has no intention of being gentlemanly enough to withdraw the statement. We'll leave the people to be the judge."

Mr. Henry remained silent and seated, and the incident closed.

#### Rumors Discussed.

There is no foundation, it was learned at Queen's Park last night, for the report that yesterday's Parliamentary tangle might cause the resignation of the Speaker, Hon. N. O. Hipel.

While Premier Hepburn apparently set precedent when he divided the House to overrule a Speaker's mandate, the entire matter was described last night as just another occurrence in "the hottest Legislature in many years."

Veterans could not remember when a House vote had triumphed over a Speaker's ruling, although the Opposition was downed on that question some four weeks ago. Hon. Dr. David Jamieson, Speaker of the Fourteenth Legislature and a veteran member from 1898 until 1919, was of the opinion that a precedent had probably been set.

Government members and even Cabinet Ministers have tangled with the Speaker's rulings, but no Prime Minister ever—according to the veterans—appealed to a vote of the House.

As for Mr. Speaker Hipel, he can add the experience to the laurels he has already gained while presiding over the Legislature's "hottest session." The Speaker has been called on for more rulings and decisions in four weeks than fell to the lot of some of his predecessors in as many years.

## VALIDITY OF POWER PACTS DEFENDED

### Henry Attacks Expose

**F**OR the honor of the Province—no talk of cancellation or repudiation. Hon. George S. Henry's eight-hour Legislative address was wound up yesterday afternoon with this appeal.

It climaxed a running attack on the Government's Hydro contract indictment.

"There should be great care," he urged. "The honor of the people has been swinging somewhat in the balance in recent weeks because of unguarded remarks made by some men in high position. The most honest people are found among those who are most needy. The people who have no bonds don't want their honorable name besmirched because some one wants to take something from the bondholders. The bonds were made in good faith—if they possessed technical flaws they should be cured."

The former Premier said that all the legal members of the Opposition thought the cases advanced in the legal argument were irrelevant.

The remainder of the former Premier's argument consisted mainly of the reading of documents—in particular the full letters written as reports last summer by Hydro engineers when they were asked if their opinions had been sought by the Commission. The former Premier stressed references in reports from T. H. Hogg, R. T. Jeffery, E. T. Brandon, and H. C. Don Carlos. In these sentences the engineers had spoken of early study of Ottawa power sites; receipt of large applications for power; and informal approval, in one instance, with the Gatineau 60-cycle contract and the Beauharnois negotiations.

"I am quite conscious," said Mr. Henry, that he (the Attorney-General) was trying to build up his theory that they had not been consulted about the Hydro contracts. The engineers were in continual conference thinking of the needs of fresh power."