

March 6

Premier 'Through' With Mr. Duncan; Says Bill Excessive

Payments to Legal Adviser on Hydro Contract Matters Stopped, After \$16,571 Paid

THE Hepburn Government is "through for good" with Lewis Duncan, K.C., its legal adviser on Hydro contract matters.

During Price Speech.

This frank and blunt admission was made by the Premier late yesterday afternoon during the speech of Colonel W. H. Price, Conservative member for Parkdale—a startling climax to the former Attorney-General's three-hour attack in the Legislature on the Government's Hydro policies.

Colonel Price had been reviewing the cancellation of the Quebec contracts, which he called "a bad thing from almost every angle."

"I deplore the attitude of Lewis Duncan, K.C.," he proceeded. "I think he has misled the Attorney-General, and I think the Attorney-General has, in turn, misled the Government. Mr. Duncan said there was no sanctity of contract clause written into the Constitution of Ontario and yet I have a letter here in which he demanded from Right Hon Arthur Meighen, then Prime Minister, payment of a bill on the ground that it was a contractual obligation.



"Here is a man," said Colonel Price, "advising the Government to repudiate contracts, and when it comes to collecting \$1,250 himself on his own account, he uses these extreme lines.

"And I suggest now," said Colonel Price, "that Mr. Duncan today is charging the Government more for his services than they are willing to pay."

Leaping to his feet, Premier Hepburn, without a moment's hesitation, said: "Unfortunately, that is true. I don't like Lewis Duncan, and I don't like the size of his bills. And I won't pass the account. Make no mistake about that."

Amplifies Remarks.

A few minutes later, after adjournment, the Prime Minister readily amplified these remarks to this extent:

"Mr. Duncan submitted a bill of which the last item alone was \$6,000, and the total bill exceeds \$20,000. I don't intend to pass it. I'm through with Mr. Duncan. He's out—and he's out for good."

Later, in a note sent up to the press gallery, Mr. Hepburn stated that the amount actually paid to Mr. Duncan from Aug. 27, 1934, to May 27, 1935, was \$16,571.67.

The Prime Minister's short note added: "Bills not paid, grand total, \$6,700, plus a counsel fee commensurate with value of services rendered in connection with Quebec power purchase contracts. All payments stopped on my instructions and services dispensed with."

The only comment Colonel Price would offer after the adjournment of

the House was: "And that's the man who has been advising the Government. They should have sought the advice of a good man like Arthur Slaght."

Letter Written in 1921.

The letter to which Colonel Price referred during his Hydro speech in the Legislature was written on Oct. 19, 1921. It follows:

"The Right Hon. Arthur Meighen,
"Prime Minister, Ottawa, Ont.

"Sir: With reference to my claim for one thousand two hundred and fifty dollars (\$1,250)—three months' salary as examiner and Ontario counsel for the Board of Commerce of Canada, I have been informed that the Government has been advised that it can by the exercise of two relics of absolute government prevent me enforcing my rights. These relics are the prerogative right to deny a subject access to the courts against the Government; and the prerogative right to refuse to carry out contractual obligations.

"It is hardly necessary to point out that no citizen can prevent another citizen from resorting to the courts of law to obtain justice; for this right has been established from before the time of Magna Charta. Nor has any citizen any right to refuse to carry out his contracts. But it is alleged that the Government has these rights; though it is not every Government that would invoke them.

"No Dispute to Claim....."

"There is no dispute to my claim in the merits. The three Orders-in-Council which were passed relative to my employment express the agreement arrived at with me by Judge Robson and Mr. Murdock. The Government, if it can succeed at all, must rely on its alleged power to deny to a subject right and justice.

"If the Government refuses to dispose of my claim on its merits it leaves me the political remedy; that is to say, an appeal to the electorate against an altogether arbitrary and unjust use of absolutist power.

"The Government is aware that I was overseas from February, 1916, until June, 1919, and that the terms of my agreement were based upon the fact that, if, in the interests of returned men, I took up Board of Commerce work, it might prevent my return to my profession before the advent of hard times. The Government knows that the Toronto office of the Board of Commerce did all that was humanly possible in the interests of those suffering under high prices. The Government also knows that when it refused to carry out its written word it put me to unexpected expense and inconvenience.

"Deliberate Attempt"

"I have listened to speeches by yourself and other gentlemen detailing what your Government has done for the returned men. You will, I hope, permit me to say that in view of the deliberate attempt made by your Government to deprive me of \$1,250, to which I am entitled, such speeches do not ring pleasantly.

"I have had no answer to my last letter to you of some four weeks ago—nor to my letter to Sir George Foster referred to in that letter. If I am to receive no reply by Oct. 26 to this letter, I shall assume that the Government is determined not to dispose of my case on its merits, but to leave me to the political remedy; and I shall act accordingly.

"Yours truly,

"Lewis Duncan."

"When it was first presented to Cabinet," the Premier said later, "I objected to it and, with the full sanction of my Government, served notice that Queen's Park would have no more dealings with Mr. Duncan. There is a large-sized bill in dispute at present, but we aren't going to pay it. There are a lot of lawyers who are trying to bleed us—who are endeavoring to throw into us, foot, horse and artillery—who evidently think we're a lot of easy marks. Well, they can have their notice now. We'll pay for services rendered fair and reasonable remuneration, but no more.

"I don't want to have anything more to do with Lewis Duncan; we're

through with him, and he can say what he likes. As far as I'm concerned, you can construe my action tonight as a public repudiation of the man."