

Government Organization

Brant-Haldimand, can administer justice in this country more effectively, more expeditiously and more evenly than three separate departments. I protest this unwarranted truncation, this wholly unjustified wrecking of the great and historic portfolio of justice and I say that the mistakes being made in this chamber this afternoon will soon be apparent even to the Prime Minister and will have to be corrected in the future.

This proposal runs directly counter to the report and recommendations of the Glassco commission. While I do not necessarily worship at the feet of that commission report, I do point out that it very strongly recommended that "the Department of Justice assume responsibility for an integrated legal service embracing all legal staffs of departments and agencies." How could this be achieved without one minister at the head? By its action today the government is foreclosing this important part of the Glassco report.

Personally I do not believe that the office of Solicitor General should be a cabinet portfolio. It should be filled only when there is in this or the other chamber a counsel of unusual distinction who might plead Crown causes in the courts. In the United Kingdom, of course, both the Attorney General and the Solicitor General regularly appear in the courts at trials and on appeals. Recently, for example, the present distinguished Attorney General, Sir Elwyn Jones, prosecuted the sensational murder on the moors case. We who are privileged by his acquaintance know with what distinction a leader of the bar acts as Attorney General in the United Kingdom.

In my view, only when we have a member of this or the other place so qualified and not otherwise engaged in another portfolio should the office of Solicitor General be filled. It was vacant from the year 1935 to the year 1945 when two strong, dynamic men held the portfolio of minister of justice and attorney general, Ernest Lapointe and Louis St. Laurent, and the administration of justice did not noticeably suffer as a result of the vacancy.

It is true that many of our great parliamentarians have been solicitor general without being members of the cabinet since the office was created in the year 1892. I mention Sir Charles Hibbert Tupper, Sir Charles Fitzpatrick, Rodolphe Lemieux, Jacques Bureau and Arthur Meighen. Actually it was only the latter's personal parliamentary brilliance which caused the office to be raised to cabinet rank. He was the first

solicitor general to attain cabinet rank, and since his incumbency only two, Guthrie and Fauteux, have held the office as a non-cabinet appointment.

This historical excursion is intended merely to emphasize my point that the office has utility only when an especially distinguished counsel may fill it. In what I am saying, of course, I mean no reflection at all upon the hon. member for Brant-Haldimand. I have already expressed to him my feeling of regard and my belief as to the distinction which he might bring to another office. The existence of the office of solicitor general should never be used, I suggest, as an excuse for undermining the status and the authority of the person who must be the senior law officer of the crown, the Minister of Justice.

I realize that the Prime Minister is adamant now in his proposals and doubtless they will carry. Frankly, I hope the many sound and experienced lawyers in the other place, including perhaps the distinguished government leader there, will have another look at this whole proposal. I am morally certain that within five years we shall revert in this country to a single ministry of justice and this excursion into tailoring portfolios to men will be completely abandoned.

Clause agreed to.

Clause 3 agreed to.

On clause 4—*Duties of Solicitor General of Canada.*

Mr. Brewin: Mr. Chairman, on second reading of this bill I expressed my views in respect of this clause. Instead of repeating what I said I will now confine myself to moving a simple motion. My motion, of which I have copies here, is to strike out subparagraph (c) of clause 4.

It is a simple amendment. Clause 4 provides as follows:

The duties, powers and functions of the Solicitor General of Canada extend to and include all matters over which the parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the government of Canada, relating to

- (a) reformatories, prisons and penitentiaries;
- (b) parole and remissions; and
- (c) the Royal Canadian Mounted Police.

The effect of the amendment if carried will be to restore control over the Royal Canadian Mounted Police, their administration, training and all matters relating to that organization, to the Department of Justice and the supervision of the Minister of Justice. As I said on