

**Mr. Bell (Carleton):** The business in the house may make it difficult for some of us to be here at 3.30. I am engaged in the immigration appeal legislation; however, I raise no objection. I simply wanted it noted that if I am not here I will be in the house where I am leading for the opposition. I may not be in any better position this evening.

**The Joint Chairman Mr. Laflamme:** This Committee is adjourned until 3.30 this afternoon.

### AFTERNOON SITTING

Thursday, February 23, 1967.

● (3.38 p.m.)

**The Joint Chairman Mr. Laflamme:** Order, please. Gentlement, I see a quorum and I think we should resume. My Co-Chairman, Senator Lang, could not be here this morning because he had to deliver a speech in Toronto but he is supposed to be here in a few moments.

The Clerk has asked me to advise the members of the Committee that we have at hand all the exhibits pertaining to the reports of the Hon. I. C. Rand. They have been obtained for reference by members of the Committee if they wish to do so. It is understood that those exhibits will be in the hands of our Clerk and will have to be returned to the Rand Commission's secretary who will have them placed in the custody of the Parliamentary Library.

Our adjournment this morning was for the purpose of allowing Justice Landreville to look at and study the opinions given by our counsel, Mr. Fortier, in answer to his legal objections raised before us on Monday night. Is it the consensus of the Committee that at this time we should ask Justice Landreville if he has any comments to make on the opinion given to us by our counsel and approved by a unanimous motion this morning. Is it agreed?

**Some hon. Members:** Agreed.

**The Joint Chairman Mr. Laflamme:** Justice Landreville, you asked for an adjournment which was granted and I would ask you if you have had a chance to look at the answers given on legal matters raised by yourself. Do you have any comments to make?

● (3.45 p.m.)

**Mr. Justice Leo Landreville:** Mr. Chairman, during these few hours of adjournment,

I have considered the reply of your counsel to my objections already recorded. The only point on which it may be said that we agree is that perhaps this is not the forum to determine these matters on which we take issue. That being so, and your recorded decision is to proceed with this hearing and not to avail yourselves of the opportunity of seeking the guidance of the Supreme Court of Canada on a reference, then may I advise you, Mr. Chairman, once again, that I cannot partake in these proceedings and attorn to your jurisdiction and thereby, by such act, waive all my legal rights by giving my evidence or producing witnesses.

**Mr. McCleave:** Mr. Chairman, there is one point that we will have to discuss sooner or later, namely the suggestion by Mr. Justice Ivan Rand as to what burden lies upon Mr. Justice Landreville. Justice Landreville has just told us that he does not wish to attorn to our jurisdiction and present evidence and witnesses, but could we ask him, just by way of clarification, whether he is prepared to have argument presented whether Judge Rand's formula as it relates to judges is a correct or an incorrect one?

**Mr. Landreville:** I have already indicated my objection to that and that is part of my objection as well.

**Mr. McCleave:** I really was asking whether there would be argument by Justice Landreville, or someone on his behalf, before the Committee if the Committee so desires on that particular point?

**Mr. Landreville:** I obviously cannot argue law as to onus in this forum.

**Mr. Fortier:** Is it to be understood that your declination of the Committee's jurisdiction will also go to the argument which may be adduced whether or not Commissioner Rand's *ratio decidendi* is valid?

**Mr. Landreville:** I again repeat that—as cunning as your question may be, my learned friend—I cannot be brought into commenting on or discussing Mr. Rand's report.

**Mr. Fortier:** I think it should be made clear for the benefit of the Committee, Mr. Justice Landreville, and you will bear with me if I ask you to repeat it, that your decision is now firm, and you will not call any witnesses on your behalf and you will not testify yourself on your behalf. Is that correct?