

Oral Questions

Right Hon. P. E. Trudeau (Prime Minister): Mr. Speaker, the question is based on an allegation and the minister has said he will look into it. Contrary to what the hon. gentleman has suggested, I will not make up my mind until I know the facts.

Mr. Baldwin: I rise on a point of order, Mr. Speaker. The Prime Minister is not allowed to distort what I said. I indicated that this is in addition to other actions of Information Canada, that this is only one part of the mess of this institution.

Mr. Trudeau: If the hon. gentleman will ask a question about the other parts of what he calls a mess I will try to deal with it.

Mr. Baldwin: We will get a chance to vote on Tuesday night.

ALLEGED PAYMENT OF \$300,000 TO BREAK PREVIOUS
LEASE

Hon. George Hees (Prince Edward-Hastings): Mr. Speaker, I have a supplementary question for the Minister of Labour. While he is obtaining the information necessary for him to answer on Tuesday, will he also find out whether Information Canada paid \$300,000 to break a previous lease and, if so, why does this information not appear in the documents concerning these book stores?

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ADMINISTRATION OF JUSTICE

REASONS FOR APPLICATION BY GOVERNMENT FOR WRIT
OF PROHIBITION AGAINST PROCEEDINGS CONDUCTED BY
MR. JUSTICE MORROW

Mr. David Lewis (York South): Mr. Speaker, I have a question for the Minister of Justice relating to the questions I asked him yesterday about the application to the Federal Court for a writ of prohibition to prevent Mr. Justice Morrow from continuing to hear the case of certain claims made by the Northwest Territories Indian Brotherhood. In view of the fact the Land Titles Act of the Northwest Territories gives the power to Mr. Justice Morrow to deal with all claims on title, I should like to ask on what ground in this case he intends to take that right away from that judge nominated under the act?

An hon. Member: Interference.

Hon. Otto E. Lang (Minister of Justice): Mr. Speaker, I do not propose to argue the legal case here. Indeed, it would be improper to do so in view of the fact the matter will be before the courts. I will simply refer again, however, to my earlier answers which were to the effect that, so far as the question of the validity of the caveat is concerned that completely and plainly is within the jurisdiction of the judge named as a person to decide the matter. Indeed, it was ourselves who took the application before him. So far as any claim against the federal government is concerned, an act of parliament makes it quite clear that these matters come before the Federal Court.

Mr. Lewis: Mr. Speaker, the minister starts his answer by saying he will not give any legal opinion and then he proceeds to give one, dividing the caveat and the decision in respect of the caveat from the claim on which the caveat is alleged to be based. I should like to ask the minister whether, in any other case where a claim to title was involved, the Department of Justice took the power away from the Supreme Court of the Northwest Territories and, if this is the first case, is the reason that the Minister of Justice does not think Mr. Justice Morrow will give the answer he would like to have?

Mr. Lang: Mr. Speaker, the hon. member continues to ask for legal opinions, although in my earlier answer I did not say I would not give a legal opinion; I said I would not argue the case here. He seems to want to argue it here.

Mr. Baldwin: The blind leading the blind.

Mr. Lang: If the hon. gentleman has any indication of any case where a similar claim in fact was put before a court, I would be glad to receive that information from him. There is no problem at all in our view as to any decision on the claim. Our problem is with the case proceeding and being in fact a total nullity because of lack of jurisdiction to deal with the claim.

Mr. Lewis: Mr. Speaker, there again the minister and his advisers are making the decision that the case may be a nullity. I have read some parts of the statute concerned. In view of the fact it not only gives the judge the right to settle these matters but also provides for an appeal to the Court of Appeal of the Northwest Territories and from there, of course, to the Supreme Court of Canada, would the minister remove the suspicion, I suggest not unjustified, that the government is acting against the interests of the Indians of the Northwest Territories, by withdrawing his application for prohibition and letting the case take the course that is provided for in the law passed by this parliament?

● (1120)

Mr. Lang: Mr. Speaker, there is no reason at all for any suspicion in regard to our position. We are perfectly happy to deal fully and at all times with any claims by Indians or, indeed, by anyone else against the Crown federal. The other part of the hon. gentleman's question is precisely the question which will be argued before the Federal Court.

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, the minister apparently does not realize that what he has done casts a very long shadow over Mr. Justice Morrow. Why did he not proceed in the usual way? In the event that he is right and Mr. Justice Morrow has no jurisdiction, why not in the statement of defence simply say that this court has no jurisdiction and the matter would then come before the court by way of motion in the regular way and the decision would be made? Why take this extraordinary action which will always leave Mr. Justice Morrow under a shadow because of action which should not have been taken?

Mr. Lang: Mr. Speaker, there is no reason at all to talk about any shadow.

Mr. Diefenbaker: Then why did you do it?