

HOUSE OF COMMONS

Monday, March 27, 1961

The house met at 2.30 p.m.

PRIVILEGE

MR. MALONEY—REFERENCE TO EVIDENCE GIVEN
IN MAGISTRATE'S COURT ON MARCH 22

Mr. Arthur Maloney (Parkdale): I rise on a question of privilege personally affecting me in my capacity as a member of this house. The question of privilege arises out of newspaper and radio publicity concerning evidence which was given on Wednesday, March 22 last in magistrate's court in Toronto during the course of a preliminary inquiry conducted by His Worship Magistrate Joseph Addison into charges against three men, Mr. Robert J. Wright, a former constable of the Ontario provincial police, Mr. Joseph McDermott and Mr. Vincent Feeley.

Among the charges facing these three gentlemen are charges of conspiracy to bribe a police officer and conspiracy to pervert the administration of justice. The witness whose testimony was given the publicity to which I now refer is an officer of the Ontario provincial police named Scott, who is represented as being an undercover agent of the Ontario provincial police and who purports to have kept notes of conversations he had with each of the three accused. Part of the conspiracy which the crown seeks to establish in this case is that the accused tried to bribe officer Scott in order to obtain information as to raids proposed to be made by members of the police force against a number of alleged gaming houses.

During the course of the preliminary inquiry into these charges one of the documents filed as an exhibit was a brief which I am informed contains instructions designed to facilitate a successful prosecution of an alleged gaming house known as the Ramsey club in Niagara Falls, Ontario.

The crown alleges that the brief was prepared at the instance of the accused who were interested in securing a conviction against the then proprietors of the Ramsey club in the hope that a competitor in the gambling business would thereby be eliminated. During the preliminary hearing on Wednesday last, March 22, police constable Scott, while giving evidence as a witness for the crown and while being questioned by counsel for the crown, testified with reference to conversations that he alleges he had with

the accused ex-police officer Wright. The evidence he gave on that occasion with reference to the alleged conversations with respect to the brief I have mentioned is as follows. I quote briefly from the transcript when he was being questioned by counsel for the crown on that occasion, and it reads as follows:

Q. What, if anything, did Wright say on this occasion to you, as to any activities of his when he had been on the force?

A. Well, for one thing, he referred to a brief. This brief was common knowledge to both Wright and myself, and dealt with a set of instructions, how to go about prosecuting what we call the old Ramsey Club at Niagara Falls.

Q. And when you say the brief had been common knowledge to you and Wright when Wright was on the force, why had it been common knowledge to you?

A. Well, Wright saw this brief, and I saw this brief, and we both acted upon it, along with other officers of the branch, in an attempt to prosecute that club.

Q. This was, I take it, a typed brief, with details as to how to obtain a conviction against the old Ramsey club?

A. Yes, sir.

Q. And that had been seen by each of you, when Wright had been on the force?

A. Yes, sir.

Q. When you say the old Ramsey club, are you referring to, from your knowledge, the Ramsey club in its location and alleged management referred to here, or some other club?

A. Different management, sir.

Q. Yes, and prior to the present Ramsey club?

A. Yes, sir.

Q. Yes, well I have interrupted you.

A. He went into—he told me that this brief was drawn up by lawyers, and also, or included in which was Dave Humphrey, and also he—Wright himself, in composing this brief, and the way he described to me—the way this brief got into the anti-gambling branch—in that he said the brief was given to Fred Maloney, the federal member of parliament, who gave it to Jim Maloney, the minister of mines in Ontario, who in turn gave it to Inspector Stringer of the Ontario provincial police, and Inspector Stringer gave it to Sergeant Anderson of the anti-gambling branch.

Q. And, speaking from your knowledge, apart from what Wright told you, you have indicated that the anti-gambling branch did, in fact, receive a brief, as you have described?

A. Yes, sir.

Mr. Speaker, the first point to be observed is that my name is not used at all. While officer Scott was giving this evidence he was referring, I suppose in order to refresh his memory, to the notes he alleges he kept of the conversations he professes to have had with ex-officer Wright. An examination of the notes to which he was referring as he gave his evidence reveals likewise that my name does not appear in them at all but refer to