

*Withholding of Grain Payments*

effect a collective agreement to break the law, a form of conspiracy.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** The core of the defence is that the government has indicated that there is other legislation which will have the effect of repealing the Temporary Wheat Reserves Act and, this being the case, they have merely ignored the requests which have been made that the funds should be distributed. In short, Mr. Speaker, has democracy come to this, that the government need only signify its intent to legislate for that intent to be accepted as holy writ? I suggest that intent is part of the issue to be considered here. For that reason I find that the offence of the government has been aggravated by facts which have just been brought to my attention recently.

I have before me the final volume of the Revised Statutes of Canada, 1970, it being the volume which contains the indices and which I only read two or three days ago. It has been in our possession for only a few days. The Revised Statutes of Canada, 1970, were brought into effect pursuant to a statute of this Parliament in 1965 which placed upon the Minister of Justice, under sections 2 and 4, the responsibility for examining the Revised Statutes of 1952 and placing in the form of the Revised Statutes of 1970 those statutes of 1952 which have not been either repealed or consolidated. I find, on looking at page 57 of this last volume, that chapter 2 of the Statutes of Canada, 1956, which is the Temporary Wheat Reserves Act, has set against it in the appropriate column the letters "Om.". On examining the page containing the glossary of terms, the letters "Om." are stated to mean, "omitted and repealed by revision". This statute, in spite of what the government says, is still alive and well. It has not been repealed. Yet the Minister of Justice and his colleagues and those who were on the committee charged with the responsibility of preparing the Revised Statutes of Canada, 1970, have taken it upon themselves to repeal the Temporary Wheat Reserves Act while it is still in existence and part of the law of this land.

**Some hon. Members:** Shame!

**Mr. Baldwin:** I think that shows intent better than anything else that could be said. In this issue intent must be part of the facts which I must establish in order to make a prima facie case.

**Mr. Stanfield:** Impeachment is too good for them.

**Mr. Baldwin:** The government has seen fit to bring the agricultural stabilization bill back before the House today, unless they yield to the request made by the hon. member for Saskatoon-Biggar a short time ago. I suggest to the House and to Your Honour in particular that, taking into account the facts and the decision you have to make, it does not constitute any real change in the situation to bring back Bill C-244 for discussion. I think this action is merely a tacit admission of guilt on the part of the government.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** Mr. Speaker, as a member of the profession to which I and other members have the honour to

[Mr. Baldwin.]

belong, Your Honour will know and admit that the law speaks ever, speaks continuously. From the minute of the day when a statute comes into effect the law speaks every month, every day, every hour and every minute. Even as I pause for a few seconds, the government has breached the law of this land because it has failed to carry out the terms of a statute of this country.

The purpose of an impeachment in the modern sense, as I will endeavour to convince Your Honour, is not to punish as in the older types of impeachment cases. It is a means of declaring that certain people holding high offices are not fit to hold those offices. Even if Bill C-244 is brought back for debate there will be every reason to debate the number of amendments which are before the House at reasonable length. But even if that bill should pass, with or without amendments, that still will not purge the contempt that the government has shown because for a period of much more than a year it has failed to obey a law which is in existence. If the bill is passed there will be a detriment to the farmers because they will not receive the benefits under the Temporary Wheat Reserves Act which they would have received. Its passage also cannot alter the fact that for a significant period of time members of this government, as I hope to suggest to Your Honour, have been in contempt by their failure to observe the law of this country.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** Passage of Bill C-244 will not constitute a retroactive pardon. I might point out in passing the famous case of impeachment of the Earl of March who, a great many years ago, was impeached, found guilty and beheaded. The next year Parliament found it had made a mistake, repealed its act of impeachment and pardoned the Earl of March. Unfortunately this did not place his head back on his shoulders. Passage of Bill C-244 will not constitute a retroactive pardon for these improper actions on the part of the government.

There are a number of volumes dealing with the question of impeachment. The book by Mr. Alex Simpson deals fully with impeachments in the United Kingdom and the United States. It cites a number of instances where impeachment proceedings were taken. To show the resemblance to the present situation, I will cite cases where impeachments were in fact taken and brought into the House of Commons and House of Lords. Lord Treasurer Middlesex was impeached on a number of articles, one of them being that he refused to pay the merchants importing sugar the impost paid on importation, contrary to direction given by His Majesty's letters patent. In other words, refusal to pay moneys lawfully appropriated for a specific purpose constituted a valid ground for impeachment. In the case of Lord Melville, which I will deal with later, it was a valid reason for impeachment that money was paid for certain public services before the act authorizing the payments had in fact been passed.

There are other interesting cases. The only other one to which I will refer is the case of a man called Benyon. This may be of interest to people who are connected with, but not in, the House. It is a valid reason for impeachment to falsely and maliciously give out and utter divers, bold, arrogant, false and scandalous statements in derogation and in contempt of the privileges of Parliament.