

Supply—Justice

it contained nothing libellous. All references to individuals had been removed.

Mr. Chartrand said C.B.C. lawyers would not say that the speech was libellous but they did say at the same time that it was "delicate".

He said he is not setting aside the possibility of suing the C.B.C. to obtain "freedom of speech".

At Ottawa, a C.B.C. spokesman said the corporation's own lawyers and those of the justice department had advised the C.B.C. that there was a possibility the courts might find Mr. Chartrand's statement defamatory and contemptuous. For that reason, the C.B.C. declined to broadcast the speech again.

It was in the first instance given over a television program on the C.B.C.'s network. I intend to quote only briefly from this speech given over the C.B.C. television service to indicate the nature of this complaint. To go into the details of all the correspondence and the amount of evidence which has been presented would have been impossible in the time one has on these occasions and, moreover, would be, I think, completely ineffective on my part. However, these are extracts from the television program, and I should explain that this is a translation; the telecast was given in French, and it has been translated, I may add by a gentleman who does not pretend to be a particularly efficient translator. It is headed "The Sommer case".

There is one particular case, that of Edward Sommer who was the only son and an heir of Abraham Sommer who died September 3, 1934. Mr. Sommer left an estate of about \$2 million in property at depression era values (which means they are worth much more today) and \$185,000 of insurance.

Edward Sommer has been in court for many years. At a certain time, he wanted to intervene in a case that concerned this inheritance. An important judge declared on June 30 that he had already rendered judgment on June 7. Mr. Sommer wrote the judge to ask him for the judgment and he never saw it.

In other words, the court rejected a request to intervene, saying that the matter was settled. But the case is not settled, there exists no judgment.

Mr. Sommer complained to the bar. He complained against certain lawyers. The bar did not have him summoned for a hearing, but rather the lawyer whom he had blamed summoned him before the bar.

He appeared in court once more, and the judges criticized him severely from the bench.

Finally, on September 27, he appeared in court for a case. The crown prosecutor challenged him and asked the judge to have him confined for mental illness. An individual was brought forth as witness who has not proved that he was a doctor certified by the college of physicians. He decided that he had already seen him (Sommer) for several minutes in court following proceedings, and that the Mr. Sommer in question suffered from schizophrenia.

All this without Mr. Sommer being able to speak. While this was going on in French at which time he, being English, was requesting that proceedings be conducted in English and that he be permitted to cross-examine the witness, the provincial police took him and brought him to the cells at Bordeaux.

After 12 days, he was seen by a social worker, who could not understand why he was there. After 20 days, the medical superintendent of Bordeaux came to see him and told him that he could not understand why he was there.

Then it was that some friends, who by chance found a conscientious lawyer at the court (there are some conscientious lawyers, and also conscientious judges) requested a writ of habeas corpus.

Here is what Judge Ouimet said in rendering his decision on the habeas corpus writ:

"There is no doubt in the mind of the undersigned that the regulations of article 451 were not observed in the present case, for the following reasons:

"There is no proof of a qualified medical practitioner before the judge:

The ruling of the judge is oral; The petitioner was deprived of incontestable right to cross-examine according to the Criminal Code and the principles of natural justice.

In the opinion of the court, these substantial flaws are fatal and as a result the sending of the petitioner to prison for mental examination was invalid and of no effect."

Conclusion: Judge Ouimet maintained the writ of habeas corpus, declared the detention of Sommer and the deprivation of his liberty unjustified and illegal, and ordered that he be set free.

Mr. Chairman, I have quoted briefly from the telecast given on behalf of Mr. Sommer. The rest of the telecast continued in similar vein. I have quoted one extract dealing with what this gentleman claims to be a series of injustices which he has suffered at the hands of the courts of Quebec and at the hands of various gentlemen of the legal profession in Quebec. Once again, I wish to say that I have read the correspondence very carefully—a very slow and tedious task—and I have listened to the representations of responsible people who feel seriously concerned about the injustice which they say this gentleman has suffered. As I said before, I promised I would bring this matter to the attention of parliament and to the attention of this committee. I have done so, and I now urge the minister to give this matter his consideration and bring it to the attention of the attorney general of the province of Quebec.

Mr. Fulton: I should like to say at the outset how much I appreciate the manner in which the hon. member for Kootenay West has raised this matter. It is a subject which the hon. member and I have discussed briefly on former occasions and in connection with which, as he knows, I have already made some inquiries. But while I appreciate the reference which was made to the inquiry in the United Kingdom, the hon. member will in turn appreciate that although we are no less concerned here we do operate under a federal system as distinct from the unitary system in the United Kingdom. Therefore I can only tell the hon. gentleman that the responsibility for making inquiries into this matter on the basis of the allegations made rests, in the first instance, with the provincial