

will find those comments of Commissioner Rand at the bottom of page 29 and at the top of page 30.

Commissioner Rand's next *ratio decidendi*, in my humble opinion, is to be found at page 32, and it deals with his doubts whether or not Mr. Justice Landreville had heard of Continental Investment or Convesto, prior to January 22, 1957. You will find this in the middle of page 32.

At the middle of page 34, Commissioner Rand passes judgment on the manner in which Mr. Justice Landreville had alleged before in earlier proceedings, under oath, that he had sent written orders for the NONG stock to Continental in July 1956, when in fact, Commissioner Rand finds, Continental did not get into the distributing picture until sometime in December, 1956.

At page 36, gentlemen, approximately three quarters of the page down, Commissioner Rand notes what Mr. Justice Landreville's counsel himself, Mr. Robinette, termed the "cloak and dagger" operation with respect to the steps taken to keep Mr. Justice Landreville's name off the books of Northern Ontario Natural Gas. Mr. Rand passes judgment on this operation.

At page 37, Commissioner Rand, after reviewing the evidence on this particular point, comes to the conclusion that Mr. Justice Landreville, up to February 12th, 1957, could only have dealt with Mr. Ralph Farris, and no one else, with respect to the 7,500 shares which were delivered to him, which he received in the mail, on or about the 12th of February, 1957.

I go on to page 38, and I draw your attention to the top of the page, where the Commissioner reviews Mr. Justice Landreville's evidence that he had ordered the shares through Continental, which he finds, was negated by the absence of any accounting of price or broker's fees in respect of the charges.

In the middle of page 38, Commissioner Rand refers to this attempted facade as between Northern Ontario Natural Gas and Continental, and he draws inferences from this facade.

At the top of page 39, Mr. Commissioner Rand, exercising his responsibility of assessing the credibility of Mr. Justice Landreville before him, which is the function of any trial judge, reviews the evidence of Mr. Justice

Landreville, and comes to the conclusion that Mr. Justice Landreville was attempting on divers occasions to divert the line of inquiry. These citations go on until page 45. However, in between references to evidence given by Mr. Justice Landreville in other proceedings, Commissioner Rand refers, three quarters of the way down page 43, to this, and I quote "competition of memory" as between Mr. McGraw and Mr. Justice Landreville.

In the middle of page 45, to the end of the first paragraph of page 47, Commissioner Rand reviews Mr. Justice Landreville's evidence before his own inquiry, as well as in other anterior proceedings, and he considers it reprehensible.

May I now draw your attention to the bottom of page 48 and to the top of page 49, where Mr. Commissioner Rand concludes that Justice Landreville gave evidence representing a fact without regard to or belief in its truth; that is, that Farris and not Continental, was the medium. This is a finding of fact made by the Commissioner.

On page 53, you, in your deliberations, will wish to note the suggestion of Mr. Justice Landreville, noted by Commissioner Rand, that he and Mr. Farris were enemies at the time; that is, in the spring of 1956. He concludes this paragraph at the bottom of page 53, by saying:

The words used in the interview were undoubtedly extravagance, to which the Justice was inclined.

I suggest to you that this is the prerogative of any trial judge, of a Commissioner, in determining the credibility of a witness.

At the bottom of page 54, and at the top of page 55, again as part of the *ratio decidendi* of his report, Commissioner Rand comments on the veracity of Landreville J., in his testimony. It is for you to assess this *ratio decidendi* in your deliberations.

In the first full paragraph to be found on page 56, Mr. Commissioner Rand deals with the demeanour of a witness. Here again, I suggest to you that this was entirely within the purview of the Commissioner.

In the middle of page 57, the Commissioner notes that in his opinion Mr. Justice Landreville was a party to a deception. In so doing, he reviews the evidence of Mr. Clark before the Securities Commission, where the letter of July 20, from NONG to Mayor Landreville, was in issue.