

determine by a Court of proper jurisdiction prior to this Inquiry, so same may not be abortive.

- (7) Lastly and most important, to be appraised of the particulars of the charges of accusation which Mr. Justice Landreville must meet.
We feel that a meeting as herein is suggested...

This is why we have asked our counsel to get in touch with Mr. Humphrey and have that meeting.

will be of great assistance to all concerned in clarifying the issues and the procedure to be followed.

When we received this letter, we asked our law officer of the House of Commons, Dr. Maurice Ollivier, to prepare a memorandum also the jurisdiction, and so on. You have already received this memorandum which deals with every one of those particular questions of law which have been raised.

Senator Hnatyshyn: I realize the letter was tabled, but it was not considered by this Committee; it was left to the steering committee to see if a procedure could be worked out.

Evidently that was not successful.

Now, the only other thing that is bothering me is this: Was this Committee set up at the request of Mr. Justice Landreville? The government has the report from Commissioner Rand, but what are we to do, are we to say that we agree with the report, or do not agree with the report?

Mr. Fortier: You can only take the terms of reference as you find them.

Senator Hnatyshyn: Without hearing anything else except reading the report?

Mr. Fairweather: Ask Mr. Justice Landreville if he wants to meet the report, if he does not want to meet the report then we make a recommendation just as we are told to do.

The Joint Chairman Mr. Laflamme: May I ask Dr. Ollivier to say a word about this?

Dr. P. M. Ollivier (Parliamentary Counsel): I think the government itself did not need to constitute a Committee. It could, according to the report of Mr. Justice Rand, have gone ahead. Instead of that your Committee was created to consider the report and to give

secondary satisfaction to Mr. Justice Landreville, but that does not mean that you are going to have all the procedures that you would have in a court; that this is an appeal from the decision of Mr. Justice Rand. It is not that at all, nor is it a new trial. All you have to go by is your order of reference. It is clear in my mind; it says:

"That a joint committee of both Houses of Parliament be appointed to enquire into and report on the expediency of presenting an address to His Excellency...in view of the facts, considerations and conclusion contained in the report...."

That is all you have; all you have in the report.

Senator Hnatyshyn: And not having all the evidence, we are to pass judgment on a report that is only a judgment based on evidence that has been taken all over the country in various places.

Dr. Ollivier: You do not even—

Senator Hnatyshyn: What would be the purpose of evidence if we do not need it.

Senator Fournier (de Lanaudière): If you will permit me, it is not even a judgment; it is the opinion of one man. There is a big difference..

Mr. Fairweather: Is there a motion.

Dr. Ollivier: The B.N.A. Act says how you will replace a judge; simply by a resolution that is passed in the Senate and in the House of Commons. You do not need to prove that the judge has committed a crime or anything; you only have to say in your decision whether the judge is fit to be on the bench or not, whether he is a good judge or not. You could, for instance, have a judge who sits on the bench who sometimes is late each time there is a case before the court. He is not there, because he has taken a drink the night before. He has not committed any crime, but he makes it a habit of being late every day that he should be in court. Then that is sufficient for a resolution being passed by the Senate and the House saying perhaps maybe someone else would make a better judge than he does. You do not accuse him of any crime or anything, and you do not need a trial.

• (9.00 a.m.)

Senator Hnatyshyn: Under those conditions, there would be quite a few judges removed.