

HOUSE OF COMMONS

Monday, May 11, 1868

The Speaker took the Chair at 3 o'clock.

IMPEACHMENT OF JUDGE DRUMMOND

Mr. Chamberlin moved the reception of the petition of T. K. Ramsay, preferring sundry charges against Judge Drummond, and praying his impeachment.

Mr. Colby begged to state reasons why this petition should not be received. This was a petition in which an advocate of Montreal preferred very grave charges against one of the Judges of the Queen's Bench of the Province of Quebec, and which the petitioner desired to serve as a basis of impeachment. He would not allude to the charges of the petitioner; but in the course of his petition, he brought forward other matters entirely foreign to the subject. The right of petition should not be abused, and he considered the petitioner went beyond his right when he proceeded to assail the Court of Queen's Bench of which Judge Drummond was a single member. After having detailed his personal grievances, he stated that he appealed by writ of error against a fine of 10 pounds imposed on him by Judge Drummond, and that through the influence and machinations of Judge Drummond the Court of Queen's Bench quashed said writ of error and refused petitioner his right to appeal to the Privy Council. He thus charged the Court of Queen's Bench with having rendered an unjust judgment, not by inadvertence, but through the influence and machinations of one of their associates, imputing to them either ignorance of a gross kind, or what was worse—that from improper motives they rendered a false judgment. The petitioner also assailed a son of Justice Drummond, stating that he made a false affidavit in a certain case of execution, and that by means of the said false affidavit Judge Drummond, by false representations, obtained from Judge Smith an order to stop all proceedings on said execution. The petitioner thus accused Judge Smith of having been improperly influenced by Judge Drummond to render a judgment which he ought not to have done. These charges against Judge Smith and the Court of

Queen's Bench were not followed up by a request to have them acted upon. He (Mr. Colby) contended, therefore, that the petition embodying them could not be received by the House, and he quoted in support of his argument decisions by the English House of Commons on similar cases.

Hon. Mr. Johnson also argued that the petition should not be received.

Hon. Mr. Irvine said this was a subject which should be dealt with by the House with the utmost possible caution. On the one hand, if a petition of this kind were received, which ought not to be entertained, a very injurious blow was improperly given to the administration of justice; on the other hand, if they rejected a petition which ought to be received, they took away from the party presenting it the only means of arriving at the redress of a grievance of which he might have a right to complain. The House being the only body capable of giving redress should not be hasty in setting aside a petition of this kind. After examining this petition with the utmost possible care, he had come to the conclusion that it ought not to be received. He proceeded to give his grounds for arriving at this conclusion, which were substantially the same as those which had been urged by Mr. Colby.

Sir J. A. Macdonald said it appeared to some, this petition was liable to the objections which had been taken to it, by the member for Stanstead and the Solicitor-General for Quebec. Of course, none of Her Majesty's subjects who conceived that wrong had been done them by a judge should be excluded from coming before the High Court of Parliament for redress; but on the other hand, it was clearly the duty of Government and Parliament to protect the Bench and every member of it from improper attacks. It appeared to him that a great portion of this petition contained improper matter, and that this improper matter was so commingled with that it could not well be separated from the charges which might purely be the subject of investigation, or at all events of reception and consideration by Parliament. He asked that