

Judge, a breach of that standard of conduct obligatory upon him, which has permanently impaired his usefulness as a Judge.

In all three respects—

Concludes the Commissioner, finally—

—Justice Landreville has proven himself unfit for the proper exercise of his judicial functions.

Having started with the conclusions of Commissioner Rand, I will now return to the facts and considerations listed in the report and ask you pertinent questions.

First of all: What were the terms of reference in the Order in Council from which Commissioner Rand drew his power and jurisdiction? The terms of reference related to two matters. If you will direct your attention to the Order in Council, which is reproduced at the start of the report, you will see that Commissioner Rand's terms of reference related to, One:

To inquire into the dealings of the Honourable Mr. Justice Leo A. Landreville with Northern Ontario Natural Gas Limited or any of its officers, employees or representatives, or in the shares of the said Company; and

Two:

—to advise whether, in the opinion of Our Commissioner—

One man's opinion, agreed, but one who held a mandate from the Governor General in Council.

—anything done by Mr. Justice Landreville in the course of such dealings constituted misbehaviour in his official capacity as a judge of the Supreme Court of Ontario or whether the Honourable Mr. Justice Landreville has by such dealings proved himself unfit for the proper exercise of his judicial duties.

Now, you will recall that Commissioner Rand makes it very clear in his report at page 90 that there is no question raised of misbehaviour in the discharge of judicial duty. This was not in issue before Commissioner Rand and although this was within the terms of reference of Commissioner Rand, his findings are quite clear on that point:

No question is raised of misbehavior in the discharge of judicial duty;...

The inquiry goes to conduct outside that function. How does Commissioner Rand proceed? In his very thorough examination, Mr.

Justice Rand, in addition to hearing all evidence as I pointed out earlier, of Mr. Justice Landreville, and others also reviewed the evidence, given by Mr. Justice Landreville on earlier occasions before the Securities Commission of Ontario in 1962, during the proceedings brought against Ralph K. Farris for perjury in 1963 and 1964; the Commissioner also viewed various articles in *Maclean's* magazine and the *Toronto Star*, which attributed remarks made by Mr. Justice Landreville, and examined his interviews by members of the RCMP in September 1962, prior to the Securities Commission Inquiry of the same year.

I should like to point out that all of these matters were made exhibits of the Rand Commission. I will only refer you to appendix E in the report. In addition it might be assumed that the various letters and interviews, were available for review and use by all witnesses and therefore they formed part of the body of evidence as used before Commissioner Rand. I would submit, gentlemen, for your deliberations, in order to assist you, that Mr. Commissioner Rand's Report may be divided into the following categories:

One, facts. Under this heading one should review the factual situation. In my humble opinion this would relate to correspondence; first, second and third reading of bylaws of the City of Sudbury, Fuel Board hearings, and its orders; interviews, telegrams, date the franchise agreement was signed between the City of Sudbury and Northern Ontario Natural Gas, etc.

Second, the evidence. The evidence of Mr. Justice Landreville, when heard before the Commissioner, relating to these facts and including his explanation of the circumstances surrounding them during all of the occasions when he gave evidence or was interviewed, or was quoted, provided these facts were adduced legally before the Rand Commission.

Third, after facts and evidence, I would submit that you should apply your mind to the *ratio decidendi* of Commissioner Rand. I know I speak to, as was pointed out the other night, sixteen lawyers and one member of the clergy, and I am sure that the member of the clergy is aware of what *ratio decidendi* means; it is those relevant and material considerations which a judge finds before he arrives at a judgment. The view that Commissioner Rand took of the factual situation and of the explanations given by Landreville