

Supply—Justice

Roberts' request. In April of this year Mr. Roberts, the former attorney general, stated in the legislature that a politician in a municipality doing business with northern Ontario natural gas got the major part of the 14,000 shares at a nominal cost. Mr. MacDonald in answer to inquiry, named Mr. Justice Landreville as the official involved. Mr. Justice Landreville before his appointment as a supreme court justice in 1957, was the mayor of Sudbury. He was appointed shortly after the franchise was granted. The new report of the commission was made available to the present attorney general of Ontario, Mr. Cass and, presumably, to the government of the province in July. Mr. Cass caused proceedings to be instituted—

Mr. Chevrier: Mr. Chairman, I rise on a point of order. While it is true that the hon. member did give me some indication he was going to do exactly what he is doing now, I submit to you with deference, sir, that it cannot be done under the rules unless the hon. member is prepared to move for the impeachment of the judge he has in mind. I refer to citation 149 of Beausnesne, fourth edition, which reads as follows:

Besides the prohibitions contained in standing order 35, it has been sanctioned by usage both in England and in Canada that a member, while speaking, must not:

(j) cast reflections upon the conduct of judges of superior courts, unless such conduct is based upon a substantive motion.

Unless the hon. member is prepared to move a substantive motion I am afraid he is in contravention of this citation.

Mr. Brewin: Mr. Chairman, on the point of order, I want to make it clear, and it would have been made clear in a few sentences if I had been able to do so, that I am asking that this matter be investigated, not because I make any charge or accusation against the judge but because others have done so and I believe it to be in the interests of the administration of justice and in the interests of the judge concerned that this matter be cleared up. All I propose to ask is that the Minister of Justice do what I believe to be his duty in the circumstances, and that is to institute a full inquiry into this particular matter.

I am not making any accusations. As the matter will develop, it will be made perfectly clear that I believe the judge is entitled to every presumption of innocence. But I wish to point out that this matter has been raised and reported upon in publications, newspapers and national magazines and I say it is only fair to the justice involved and to the whole administration of justice that it be cleared up by the minister at the earliest opportunity.

[Mr. Brewin.]

I say that the citation from Beausnesne to which the Minister of Justice has referred does not deal with this particular matter. As I intended to say in a few minutes, I sincerely hope and believe that the judge will be able to clear up the imputations made against him, but I say that the minister responsible to the house for the administration of justice has a responsibility to inquire into this matter and that later, if anything is discovered that is derogatory of the judge at all, it will then be the minister's responsibility to make the necessary motion.

In case Your Honour should rule against me on this matter and abbreviate what I have to say to the house, I want to make it perfectly clear that I am only repeating accusations made in responsible publications and spread across the press of the country, and I am only doing so in order to urge the minister to give the judge, through a full and open public inquiry, the right to meet these innuendos and insinuations that have been made against him.

A further point has been called to my attention. I am not saying anything about the judge in his judicial capacity. The events in question took place some months before the appointment of the judge. What I am saying is that the statements made about him constitute a contempt of the administration of justice and that as Minister of Justice the minister has a responsibility to look into this matter. I am not accusing the judge of judicial misconduct. If by any chance the facts are as alleged and the minister finds that to be so on proper inquiry, the time to act will then come and the responsibility will be his.

But, Mr. Chairman, I am not making these accusations. I do not propose to make a substantive motion. This matter has had widespread publicity given to it already. I would have hesitated to mention it if I were the first to raise it, but in view of the publicity given to it I believe I am within the rules of the house in making the proposition to the minister that it is his duty as minister and in the interests of the judge himself to see that this matter is cleared up at the earliest possible opportunity.

Mr. Chevrier: Mr. Chairman, I would not ordinarily rise at this point because normally I believe it is the practice to allow other members to speak before the minister replies. But because of what the hon. member has said I feel it is my duty to rise now and bring to the attention of the house, not so much the fact that the hon. member has repeated accusations made elsewhere, but the fact that by doing so he has impugned the reputation of a judge of the supreme court of this province. While he may say he has made no personal attack on him, the very fact that he has