

The report of the trial judge included the following:

The three articles in question, one in the Province and two in the Vancouver Sun, obviously are intended to be and are in fact, so far as the material before me shows, factual reports of what the reporter learned as a result of his interviews with the Steinkes and Pinchin. Nowhere in any of the articles is there any expression of opinion by the writer nor any statement of fact other than those gleaned from the witnesses. It is the business of newspapers to gather and publish information to their readers of matters of public importance and that right will not be interfered with unless the higher right of the courts to determine the guilt or innocence of an accused is thereby prejudiced or interfered with. In the present instance I can find no such interference or prejudice. Both papers had a perfect right to publish what appeared in the articles in question and there has been no prejudice to the accused as a result thereof. Neither newspaper attempted to fix guilt upon the accused or to suggest what the verdict in his case should be or to anticipate the result of his trial.

Surely the matters referred to in these newspapers went far beyond the evidence that has been produced before this committee. And if the newspapers were not guilty of contempt of court, I cannot see how matters which are evidence here can be sub judice of the criminal trial.

Mr. DRYSDALE: Very briefly, I have just two points: the first one is the one which Mr. Martin dealt with very casually, if I may say so, when he said that it was a matter before the court. At no time has he ever attempted to delineate what that matter is, and with all respect I think that neither did Dr. Ollivier. He said he was not in a position to delineate the matter.

My second point is that the question is whether this is to be decided by you or to be decided by the committee.

In citation No. 288 at page 237 of Beauchesne, it says:

Committees are regarded as portions of the house and are governed for the most part in their proceedings by the same rules which prevail in the house.

Every question is determined in a committee in the same manner as in the house to which it belongs.

I think that should dispose of Mr. Martin's argument.

Mr. DESCHATELETS: I would like to add only a few words. We are going to vote against this motion for the reasons given by the member for Essex East, if the motion is dealt with, because of the jurisprudence he has cited, and also because of the facts he has given us from the deliberations of the minutes of this committee up to this time.

In doing so Mr. Chairman, we are supporting the opinion already expressed by the R.C.M.P., by the chairman of this committee, and also by the counsel of this committee.

The CHAIRMAN: Mr. Deschatelets, when I brought this matter up last Thursday I did so in order to bring it to a head, and to find out whether the committee wanted to continue or not. The only way I could find out whether or not the committee wanted to continue was to ask for a motion to adjourn at the call of the chair. Out of that has come our meetings of this morning and this afternoon. The chairman can give an opinion, but I think that in this case it is entirely up to the committee to make its decision. It is not up to the chairman to make the decision.

Mr. DESCHATELETS: Would you permit me, Mr. Chairman, to say that I was referring to the opinion you had given at the last meeting last week, and not at the meeting of this morning.