

Supply—Agriculture

heard and contrary, I say again, to the resolution approved by both parties in this house over the years.

The only way, as I say, in which this man could have been dismissed was either by the certificate of a member of parliament or by an investigation made by an impartial tribunal. In essence an individual should not be dismissed under any circumstances without being given the opportunity of being heard. The principle is clear. It is based upon the assumption that an hon. member of this house who certifies to such a condition has satisfied himself to his own personal knowledge as to the authenticity of the statements he makes, and that they are true; but if he makes such a statement without regard to the fine detail of it being true or untrue and the individual is dismissed, I think the man probably has an action against the member of parliament because he has compassed his dismissal and destroyed his position.

These were the reasons why, after a lengthy debate, the conclusion was arrived at that this was the only fair, equitable and reasonable manner in which to dispense with the services of an individual. Therefore with regard to the political activity part of this case I conclude that the man, Walter Mitchell, has not been dismissed in accordance with the long standing practice of the house and that a grave and serious injustice has been done to him under the circumstances.

The next reason given by the minister was that Walter Mitchell was in possession of contraband liquor and contraband cigarettes. What are the facts? I hold in my hand a document which the minister refused to produce yesterday. It is from the Department of National Revenue, customs and excise division, and is dated December 23, 1957, almost a full month after the alleged charge against Mr. Mitchell, which offence was said to have occurred on November 29, 1957. It is the usual and very ordinary notice served pursuant to sections 158 to 166 of the Customs Act advising this man that he was in possession of five bottles of liquor and six cartons of cigarettes. What member of parliament who has been in the house for any length of time has not acted on behalf of constituents who have brought such notices to him because they have been searched by a customs officer and found in possession of cigarettes or other articles they have brought into Canada without payment of the excise tax?

Over the many years I have been here I have had many such notices brought to me. Many of them were of little or no importance. Others were more serious and still others were very serious. But the point I

[Mr. Chevrier.]

wish to make is that this was not a charge but a notice pursuant to sections 158 to 166 of the Customs Act to the effect that Mitchell had in his possession liquor and cigarettes upon which the excise tax had not been paid. It was not considered serious by departmental officers. Revenue officers came to his home. He opened the door and said, "Look at the premises; you are entirely welcome to find what there is here." He told them how these articles came into his possession and he invited them to confirm the information he gave them. They must have done so, because a little later he received a notice from the same department, pursuant to sections 158 to 166 of the Customs Act, to the effect that the statements he had made were found to be true and that the officers of the Department of National Revenue were not proceeding against him.

I do not have that letter. I had hoped to get it from the minister when I moved for the production of papers. I was not able to get it. I have therefore only the information which has been brought to my attention; but the information is that the letter was forthcoming and did go to Mitchell to indicate that the department had no intention of proceeding because they did not consider this matter as being of a serious nature. If that is the case, I think the minister did the house an injustice when he did not produce that information. Notwithstanding that, I now hold in my hand two documents from officers of the Department of Agriculture attesting to the fact that Mitchell was a good, honest and assiduous worker.

Some hon. Members: Oh, oh.

An hon. Member: What is their political creed?

Mr. Chevrier: Somebody says "What is their political creed?" I would ask hon. members to listen to the letters as I will put them on the record from permanent officials of the Department of Agriculture and to draw their own conclusions. After Mr. Mitchell was dismissed, on June 20 he obtained from Mr. J. J. Kieran, who was his immediate superior at the city of Montreal, the following affidavit:

I the undersigned do hereby solemnly declare, that for the past twelve years, acting in the capacity of supervisor of checkers and fumigators for the port of Montreal, that Mr. W. P. Mitchell was employed under my supervision, and has always been punctual, courteous, sober, reliable, rendered valuable service, and has always reported and remained on duty when requested.

J. J. Kieran

Sworn before me at Montreal, Que.
this 20th day of June, 1958.

Leopold E. Lamoureux, a commissioner of
the Superior Court, District of Montreal.