

such Member is charged with a specific offence. It is urged further that not only must he be charged, but that he must be charged by a Member of the House of Commons standing in his place.

In my view, simple justice requires that no honourable Member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence. Must this charge be made by another honourable Member on his responsibility? The Honourable Leader of the Opposition (Mr. Pearson) raised this same issue in the question which he put to me in the following words, *Hansard* p. 4839:

“If this motion is ruled out of order, does it mean that no question of privilege can be raised in this House for submission to a committee which arises out of allegations, direct or implied, made against a Member of this House outside the House by a judgment of a Court or in some other way, unless a Member associates himself with these allegations to the point where he has himself to lay a charge against another honourable Member?”

To say “yes” to this question would be to overlook precedents in which inquiries have been undertaken on the basis of charges implied from documents. Examples are the case of Jean Baptiste Daoust reported in the *Journals* of the House of Commons for 1876 at pages 1456 to 1460 where a reference to the Committee on Privileges and Elections was ordered after reading entries in the *Journal* for 1866. These entries contained court records relating to the conviction of a Mr. Daoust for forgery. Mr. Daoust, the Member, admitted that he was the man in the case and the House referred the matter to committee.

Another is the Schell case in 1903, as reported in *Hansard* at pages 4959 and 5416, where the charge of contracting with the Crown was implied from the report of the Auditor General tabled in the House and the payment of a small sum of \$5.50 was admitted by Mr. Schell.

On the authorities it appears to be open to an honourable Member to confront the House with charges against another Member, implicit in documents in the possession of the House, but in my view the charge must be there.

In the case before us no honourable Member has taken the responsibility of making a specific charge against the honourable Member for Peel. At page 4829 of *Hansard* the honourable Member for Essex East (Mr. Martin) says of the Leader of the Opposition in whose name the motion stands:

“He made no charges, that is true. That is his continuous answer to the Prime Minister who repeats, ‘Make charges’. The Leader of the Opposition said, ‘We have no charges to make.’”

If there is a charge then which the honourable Member for Peel should be called upon to meet, it has to be implied from the reasons for judgment already referred to. Did the learned judge in commenting on the evidence say or imply that the Member for Peel had been guilty of a criminal offence, perjury for example? Certainly not, and if he had it would have been his responsibility to bring the matter to the attention of the Crown for prosecution. Did he intend or imply that the honourable Member's conduct was an offence against the independence or dignity of the House of Commons, about which as a former Member of that House he would be cognizant and alert? He does not say so. There is no direct charge of this kind in the judge's observations about the honourable Member for Peel, nor has any Member of this House taken the responsibility himself of saying that such a charge must be implied from such observations or of saying what the charge is. Instead, the supporters of the motion say in effect, “Let the committee see if there is anything of this kind with which the Member could be charged”.