for immediate consideration before the House which is over and beyond the Standing Orders which guide our proceedings and, perhaps, over and beyond the customs and usages of our own Canadian Parliament.

The honourable Member is endeavouring to institute what might be described as an historical proceeding to impeach a Minister or Ministers of the Crown. This is, I gather, common to both motions now before us. The first motion is well known to the Chair, because it appears on the Order Paper. Since it has been there for a few days, it has given me the advantage of enabling me to look at precedents and of considering the matter, as I have already said in the House. The second motion is new to the Chair. I have listened to the honourable Member explaining it and referring to it and I gather that, essentially, it is the same as the one on the Order Paper.

It seems that the honourable gentleman has in the main called as his witnesses a number of British authors and precedents. Implicit in his submission is the suggestion that the practice outlined by his authorities has been carried into and forms part of our own Canadian parliamentary procedure. The honourable gentleman relies for his support on the provisions of our Standing Order 1 which, in a form a bit different from its present wording, was enacted in 1867. It is hardly necessary for me to quote it, since the honourable Member has already referred to the substance of Standing Order 1. I will read it in any event, in case it might be helpful: "In all cases not provided for hereafter or by sessional or other orders, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this House."

This, perhaps, is where I have some difficulty, because it must be determined whether these usages and customs which were in force in the British Parliament in 1867 and which we have formally imported into our proceedings by virtue of Standing Order 1 are applicable in this particular instance to our own constitutional system and to our own procedures.

It may be that a residue of the unusual and unused impeachment proceedings may still lie in the British Parliament, but even there, as honourable Members know, such a proceeding was last invoked a long time ago. I believe there is authority for the fact that the last time impeachment was actually used and effected in the British Parliament was in 1805.

Apart from considering the difference in the constitutional characteristics of our Senate and the British House of Lords, and that appears to me to be a matter of some consequence but one which it is not competent for the Chair to explore in detail, I believe it would be relevant and be useful to consider the actual procedure observed in recorded impeachment proceedings in the United Kingdom.

The most recent case that might be referred to, as I have said, is the one reported in the year 1805. In that case, the proceedings of impeachment in that year were against Lord Melville. The matter was initiated by the British House of Commons by the drafting of articles of impeachment. The articles were then sent to the House of Lords for the Lords to consider the charge, hear evidence, adjudicate thereon and act in their judicial capacity. In this regard, I wish to quote both May's 17th Edition and Anson, The Law and Custom of the Constitution, 5th Edition. The citation from May's 17th Edition is at page 39 as follows:

"Acts of Attainder and Impeachments

In passing Acts of attainder and of pains and penalties, the judicature of the entire Parliament is exercised and there is another high parliamentary judicature in which both Houses also have a share. In impeachments, the Commons, as a great representative inquest of the nation, first find the crime, and then, as prosecutors, support their charge before the Lords; while the Lords, exercising at once the functions of a high court of justice and of a jury, try and also adjudicate upon the charge preferred."

At page 37, May's reminds us: "The most distinguishing characteristic of the Lords is their judicature, of which they exercise several kinds. They have a judicature in claims of peerage and offices of honour, under references from the Crown, but not otherwise."

Anson, The Law and Custom of the Constitution, 5th Edition, 1922, reads: "The Commons appoint managers to conduct their case, and the trial proceeds in Westminster Hall. The forms of a criminal trial are followed, the Lords sitting as judges, the Lord High Steward presiding if a peer is on his trial, the Lord Chancellor or Speaker of the House of Lords in the case of a commoner."

Finally, Abraham and Hawtrey, page 107: "The trial of a person, usually a Minister of the Crown, before the House of Lords, on an accusation of treason or other crimes and misdemeanours is brought by the House of Commons."

The thought which runs through these citations is that while so-called articles of impeachment may be started in the House of Commons in the British tradition, the usage and custom to which reference has been made, the actual case is heard and the determination is made in the House of Lords in its judicial capacity. This was the constitutional and procedural position in the United Kingdom in the year 1867. The proceedings were based on the exercise of judicial functions possessed by the House of Lords, a function not discharged in the Canadian Senate. I doubt, therefore, that it can be said the customs and usages of the United Kingdom are applicable to Canada under Standing Order 1. I suggest these are two entirely different situations. While an article of impeachment can be sent from the British House of Commons to the House of Lords to be considered by the