

the compensation to be paid her not having been agreed upon. She claimed the sum of \$17,330, the amount of a valuation made by Mr. J. E. S. Clare, alleging an agreement between herself and Her Majesty acting through the Minister of Transport (Mr. Hees) that Mr. Clare should appraise the property and both parties should be bound by his evaluation. There are said to be ten other requests in which the circumstances are similar. The Crown successfully denied the alleged agreement and asked the Court to fix the compensation for the expropriated property. In the result, the judgment awards to Aileen M. Drew compensation of \$11,200 and interest. (4) The honourable Member for Peel was the Member of Parliament for the constituency in which the properties are situated. As the judgment recites, he had been solicitor for Aileen M. Drew but "dissociated himself from this capacity" after the general election in June, 1957, which resulted in a change of the administration in Ottawa. He was a witness in the action, but not a party or a solicitor and the learned judge's references to him were made in the course of his summary of the evidence and not because such conduct was an issue in the case.

In view of these "observations" in the judgment and without any conclusion being drawn from them or any charges made by any honourable Member against the honourable Member for Peel, the House is asked to direct its Committee on Privileges and Elections:

(1) To examine the actions and statements of the honourable Member for Peel in connection with the evaluation and expropriation.

(2) To report generally on these matters.

(3) In particular, to consider and report whether the conduct of the honourable Member was contrary to the usages of the House, derogatory to the dignity of the House and inconsistent with the standards which Parliament is entitled to expect from its Members.

The House of Commons has concerned itself with the conduct of a Member outside of the House from time to time for example where a Member used his public office for private gain, has compromised his independence by taking money or has been found guilty of some scandalous crime. It is provided by law (the Senate and House of Commons Act, R.S., c. 147, s. 1) in the section dealing with the independence of Parliament, that no Member shall hold any office of emolument under the Crown nor enter into any contract with the Government of Canada for which any public money of Canada is to be paid on pain of forfeiting his seat.

On the other hand, it is clear that many acts which might offend against the law or the moral sense of the community do not involve a Member's capacity to serve the people who have chosen him as their representative nor are they contrary to the usage nor derogatory to the dignity of the House of Commons. Members of the House of Commons, like all other citizens, have the right to be regarded as innocent until they are found guilty, and like other citizens they must be charged before they are obliged to stand trial in the courts. Parliament is a court with respect to its own privileges and dignity and the privileges of its Members. The question arises whether the House, in the exercise of its judicial functions with respect to the conduct of any of its Members, should deprive such Member of any of the safeguards and privileges which every man enjoys in any court of the land.

It has been strongly urged by some Members that the House should not set in motion its power to try and to judge the conduct of a Member unless