

Question of Privilege

the alleged findings of the judge, that is, alleged by the Leader of the Opposition (Mr. Pearson) as being evidence of wrongdoing on the part of the member for Peel (Mr. Pallett). Those alleged findings were non-existent, and I leave it there for Your Honour to determine.

Hon. Paul Martin (Essex East): Mr. Speaker, in introducing his remarks the Prime Minister referred to the fact that I had raised this question of privilege when the Prime Minister was absent from the house, having gone to Newfoundland to welcome Her Majesty the Queen. I suspect that in making these introductory observations he wished to leave the implication that I had taken unfair advantage of him.

Mr. Diefenbaker: No.

Mr. Pearson: Why did you mention it?

Mr. Martin (Essex East): The Prime Minister, of course, now knows perfectly well that a question of privilege must be raised at the earliest opportunity. I would have been remiss in my duty if I had not raised the question at once. Your Honour will recall that before the proceedings began I mentioned that I intended to raise this question as a matter of privilege; and when Your Honour quite properly, and I think fairly, suggested that, having raised the question, it should be allowed to rest until the Prime Minister's return I acceded at once.

The Prime Minister now wishes to correct the impression which I say he left with me that he was suggesting that in making these representations I had taken unfair advantage of his absence and I now accept his correction, if I understand him correctly that he does not wish to leave that impression.

The Prime Minister has said that there was no material change in sense or meaning. That may be the case if the argument is addressed to what the Prime Minister said, but what the Prime Minister fails to observe is the nature of the question of privilege. My question of privilege was that, having said as I did say and as is correctly reported at page 4829 of *Hansard*, namely:

The Prime Minister referred to this same judgment as an alleged finding. No prime minister—

The Prime Minister intervened at that point and is reported as having said, "An alleged finding?" Then I went on to say:

The Prime Minister's words are there to be scrutinized and observed by everyone. The Prime Minister said that. While this might be understandable in the mouth of a lay prime minister, it certainly is not proper for the Prime Minister, a distinguished advocate in the criminal courts of our country, to refer to a finding of a judge as an alleged finding. Whether we agree with the decisions of our courts or not, once those decisions

[Mr. Diefenbaker.]

are made then unless appealed they must not be referred to in the language used by the Prime Minister as "alleged findings".

So if the words which the Prime Minister said offer no material change in sense or meaning were allowed to constitute the record of the house they would certainly alter the meaning of what I said in the words I have just quoted as being reported correctly at page 4829 of *Hansard*.

Now, I suggested that my version of what the Prime Minister said was correct, and that the version of what the Prime Minister is reported on page 4827 as having said is incorrect and represents an alteration contrary to the practice and the usages of the house. In support of my contention that the reported words of the Prime Minister were not in conformity with what he actually said I produced yesterday the stenographic report of the *Hansard* reporter, which clearly indicates that the Prime Minister did not use words other than these in concluding his remarks, and I shall read the whole sentence:

I hope I shall never allow any member to be struck in his honour and integrity on the basis of a motion such as this, suspicion fortified by questions, with a member of the house holding the high and responsible position—

Mr. Speaker: Order. I am reminded by the Clerk that the document from which the hon. member is reading is not official *Hansard* and that it has not been the practice of the house to cite such a document. If the hon. member will note the tag which appears on the first copy made by the reporters, it is stated on it that this is not to be the official copy. I myself have no recollection of the practice of the house in this matter, but that is what the Clerk advises me.

Mr. Martin (Essex East): On the question of practice, I would suggest that that is not the case. The Minister of Justice only the other day used this very same—

Hon. E. D. Fulton (Minister of Justice): On a question of privilege, Mr. Speaker; certainly I had the document in front of me, but I was careful to make it clear I was not quoting from the document. I was not relying on it. In fact I did not quote from that document. I had it in front of me to make certain what I was saying reflected accurately what the Leader of the Opposition had said. The hon. member for Essex East is totally unjustified in trying to justify what he is doing on the basis of what I did.

Mr. Martin (Essex East): The Minister of Justice, Mr. Speaker, may be certain that I do not very willingly resort to precedents he has established to justify my conduct and my actions, but in this case I think I must.