

matters before it are not *sub judice*. Therefore I see no reason why the honourable Member should not discuss it."

From a study of the precedents it appears that if the subject-matter introduced in the House is at the moment before a court for decision and adjudication and a judgment has not been rendered, or if judgment has been rendered and an appeal taken, then the matter is *sub judice*. On the other hand, if the subject-matter has simply been referred to a commission for study and report and is not asked or empowered to render a decision—in other words if once the report is made it will be the function of the government to implement it—the matter is not *sub judice*.

During the question period, when a question was asked by an honourable Member about which I had some doubt because it seemed to be dealing perhaps directly with evidence given before the commission, I had in mind at that time a decision of Mr. Speaker Macdonald which so far as I have been able to ascertain is the last decision on the point. It reads as follows: "I would accordingly rule that it is not out of order to discuss transportation problems generally when such matters have been referred to a royal commission. On the other hand, I would also rule that reference should not be made to the proceedings, or evidence, or findings of a royal commission before it has made its report."

This, of course, is something we have before us; it is a decision of Mr. Speaker Macdonald, which we have to take into account. It cannot be easy for the Chair to decide, when an honourable Member is taking part in a debate, whether or not he actually is dealing with the evidence itself. I think there is much to be said for the discussion of the honourable Member for Peace River (Mr. Baldwin) when he referred to evidence which might be given before the royal commission on a collateral issue or issues perhaps not of essence. I have in mind that the witness before the commission discussed collaterally something which was not basically of the essence of the subject-matter of the commission. I believe we should not preclude honourable Members from referring to the subject-matter of the evidence given by such a person.

I still feel that honourable Members should bear in mind the decision of Mr. Speaker Macdonald that we should not delve into the evidence itself. The honourable Member for Royal (Mr. Fairweather) in any event has indicated that is not the subject-matter of his contribution to the debate this afternoon. I would think, therefore, that this discussion we are having now is not the type of discussion of a matter which is *sub judice*, and I rule against the point of order raised by the honourable Minister of Public Works (Mr. McIlraith).

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And debate continuing on the motion of Mr. Sharp, seconded by Miss LaMarsh,—That Mr. Speaker do now leave the Chair for the House to resolve itself into Committee of Supply;

Mr. Fairweather, seconded by Mr. Dinsdale, moved in amendment thereto,—That all the words after "That" be deleted and the following substituted therefor:

"this House strongly deploras and condemns this government's actions in having the R.C.M. Police provide information to the government as to the past conduct of all members of Parliament generally,—a course of action which would destroy the independence of all Members and undermine the institution of Parliament."

And the question being proposed;