

plan their production in that regard for this year. They would like to know if their costs of production are going to increase step by step continuously this year, as they did over the past year.

However, the one problem perhaps foremost in the minds of the people of western Canada particularly at this time, and indeed in the minds of all Canadians, is the question of an adjustment in freight rates. Over the years western Canada has been handicapped because of its transportation problem. Because of our geographical position, because we are in the centre of a large continent, and because manufacturing is carried on largely in the central provinces, we are wholly dependent upon the railways to bring in freight and export our produce. The cost of freight to the consumer is usually a mark-up over the price charged by the manufacturers in the central provinces. On top of that freight cost are mark-ups by the wholesaler and the retailer, which of course increase the cost to the consumer.

Over the years, there has been a tendency for the board of transport commissioners to take cognizance of the vast disparity in freight rates as between western and eastern Canada, and there has been some closing of that wide gap between the freight rates of Ontario and Quebec and those of western Canada.

Mr. DEPUTY SPEAKER: I would remind the hon. member that the question of freight rates is now before the board of transport commissioners. If the hon. member will look at Beauchesne's, third edition, page 105, paragraph 251, he will find it states that the board of railway commissioners is a court of record. Any matters before a court of record are *sub judice* and, in my opinion, should not at this time be discussed in the house.

Mr. COLDWELL: The paragraph states:

The board of railway commissioners is a court of record and therefore may not be attacked except by way of impeachment.

Surely this debate is not an attack upon the board of railway commissioners. If I remember correctly, last night the hon. member for Lisgar (Mr. Winkler) dealt extensively with this subject, as other hon. members have done. It will be noted that paragraph 252 states:

Matters which have been adjudicated upon by the railway commissioners and taken in appeal to the governor in council cannot be considered *sub judice* while the appeal is pending, because the governor in council then acts in an administrative and not a judicial capacity, and therefore such matters may be debated in the House of Commons.

[Mr. Argue.]

If, when an appeal from the board of railway commissioners is pending, the discussion of such matters is not precluded in the house, then surely it follows that matters of this description before an appeal, or before a judgment has been given, should not be precluded from discussion.

I repeat that other hon. members have been allowed to discuss this matter; and, since it affects the hon. member's constituency very closely, I suggest that he should not be precluded from doing what others have already done.

Mr. DEPUTY SPEAKER: I did not happen to be in the Chair when other hon. members were discussing this matter. I do not recall that a general discussion on an increase in freight rates did take place.

Mr. KNOWLES: The matter was discussed last night by the hon. member for Lisgar.

Mr. DEPUTY SPEAKER: The hon. member for Lisgar may have mentioned it.

Mr. COLDWELL: And the hon. member for Souris (Mr. Ross).

Mr. DEPUTY SPEAKER: I do not think he went into a discussion of the subject. *Hansard* will record what he said.

Mr. KNOWLES: He spoke for fifteen minutes on the subject.

Mr. DEPUTY SPEAKER: Paragraph 252, to which the hon. member for Rosetown-Biggan (Mr. Coldwell) has just referred, states that the reason the matter can be discussed after a decision has been made and an appeal taken to the governor in council is that the governor in council is not acting in a judicial capacity. But when a matter is being considered by a court—and anything being considered before a court is a judicial proceeding—then it cannot be discussed in the house, and is definitely *sub judice* at that time.

I feel satisfied that this matter is now before a court of record, and that in compliance with paragraph 246 (c) it is now out of order to refer to any matter on which a judicial decision is pending. Surely a judicial decision is now pending with respect to freight rates.

Mr. COLDWELL: Does it not depend upon what the definition of a judicial decision is? Surely a board of commissioners appointed by the House of Commons or by the crown is not a court giving judgment; or, to put it in another way, is not a judicial court. Hence it seems to me that the hon. member should be allowed to continue his remarks, particularly, as I say, because it would not be