

the word "but"—that it does not necessarily follow that if there is a question of privilege that the motion made necessarily is acceptable according to the rules, practice and procedure in the House.

What we are dealing with now is an accusation made by some honourable Members against another honourable Member. The subject matter which gave rise to the statements made by the honourable Minister of Justice, which is in the background of what we are dealing with now, is an accusation made against the Minister of Justice and there is a suggestion that the Minister of Justice has in some way conducted himself in an improper manner. This is the only interpretation which can be placed on the motion put forward by the honourable Member.

There are any number of precedents indicating what has to be done in such instances. I would refer honourable Members in particular to the *Journals* of the House of Commons, Volume 105, 1959, at page 584, where the Speaker, who was faced with a somewhat similar case, was given notice, and after lengthy consideration delivered a judgment which covered some four or five pages in the *Journals*. I might say that that Speaker had a considerable advantage at that time over the present Speaker. However, fortunately I can take advantage of his ruling and quote from it:

"In my view, simple justice requires that no honourable Member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence."

Then further on: "In the case before us no honourable Member has taken the responsibility of making a specific charge against the honourable Member. . ."

The motion I have before me says: "That the Minister of Justice be required forthwith to substantiate the charges made inside and outside this Chamber which have reflected unfortunately and improperly upon Members of Her Majesty's Privy Council. . ."

It is obvious that what we are doing in this motion is impugning the conduct of the Minister of Justice who himself, perhaps, impugned the conduct of other Members, but, as I have said, this is not what we are faced with presently. I am impressed by the suggestion made by the honourable Members for York South (Mr. Lewis) and Red Deer (Mr. Thompson) who say that the proper course to take in respect of this type of matter is to refer the subject-matter of the motion to a committee.

I would like to bring to the attention of honourable Members Bourinot's fourth edition, page 162, where it says: "A reference to a committee is no doubt the proper procedure in all cases in which there are reasonable doubts as to the facts or the course that should be pursued, especially when it is necessary to examine precedents or witnesses."

I have given the matter very serious thought and have looked at it as objectively as I can. I can come to no other conclusion than that the motion as drafted now cannot be accepted by the Chair, because it is too general in terms, and according to precedents does not specify the charge levelled at the Honourable the Minister. For this reason, while I agree with the Honourable Member for Calgary North (Mr. Harkness) that there is a *prima facie* case of privilege, the motion in its present form cannot be accepted by the Chair.

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And after debate,

The honourable Member for Yukon (Mr. Nielsen) proposed to move, seconded by Mr. Harkness,—That the Minister of Justice do resign;

And having indicated that the motion would appear to be of a substantive nature; one which would require notice; Mr. Speaker asked leave of the House to reserve his decision.