

Business of the House

We welcome the understanding and the sense of responsibility shown by the government of Japan in meeting the Canadian problem and our representations in this way. We welcome it as evidence of co-operation emanating from a spirit of good will. We are quite certain that in that spirit an equitable solution to these problems will be found in days to come.

Mr. Fleming (Eglinton): Mr. Speaker, the Leader of the Opposition indicated some concern about our exports. I believe I can assure the house that the action now taken by the Japanese government and announced yesterday will have no bearing whatever on Canada's exports to Japan. The position taken by the Japanese government is completely in accord with the views and policies of the Japanese government as declared at all levels, ministerial and official, in relation to the orderly development of trade with Canada.

BUSINESS OF THE HOUSE**DISPOSITION OF MOTION OF LEADER OF OPPOSITION ON TODAY'S ORDER PAPER**

Mr. Speaker: I am afraid I must occupy a minute or two of the time of the house myself. It is my responsibility to rule upon a point of order which arose on Wednesday last and was then debated at length and with vigour. I wish to thank the several hon. members representative of all parties who gave the house the benefit of their views.

The question was whether or not the notice of motion relating to the conduct of the hon. member for Peel which had been given by the Leader of the Opposition properly raised a *prima facie* question of privilege for determination by the house through its standing committee on privileges and elections, to which the motion would refer the matter for examination and report.

The question is of considerable importance. If the notice of motion properly raises a question of the privileges of the house it is entitled under standing order 17 to be taken into consideration immediately, all other business being laid aside until the debate is concluded. On the other hand, if the motion is not to be regarded as one of privilege the motion would have to take its turn with other notices of motion by private members, which at this stage of the session would mean it would have very little prospect of being called even if in fact it is entitled at all to be placed on the order paper. The subject matter could be and in fact has been raised in the house and debated in other ways.

The factual basis for the motion as it appears in the notice itself and in the arguments put forth in the house is simple. It

is that the president of the exchequer court, Mr. Justice Thorson, in his reasons for judgment, sessional paper No. 237, makes certain affirmations about the hon. member for Peel (Mr. Pallett). These affirmations are summarized in items 1 to 8 in the notice of motion. Perhaps the house will permit me to dispense with reading these as all members have them.

It is noteworthy:

(1) That the judgment is a public document but is not a document required to be submitted to the House of Commons.

(2) It became a sessional paper by leave of the house when the Prime Minister tabled it in response to a request from a member of the opposition.

(3) The reasons for the judgment were given in cross-actions between Aileen M. Drew and Her Majesty the Queen, which arose from the expropriation of the property of Aileen M. Drew on February 12, 1954, for the Malton airport, 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 10 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 hon. 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 hon. member against the hon. member for Peel, the house is asked to direct its committee on privileges and elections:

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

(2) To report generally on these matters.