

Mr. MARTIN (*Essex East*): Yes. I asked for an explanation of why that letter had not been brought before the committee, and you very courageously and frankly dealt with the situation.

I suggest that our responsibility in this matter is a very great and very serious one. Parliament has often been referred to as the highest court in the land; but that has often been characterized and explained as not meaning that parliament does conflict in the exercise of the judicial prerogative in the judicial arm of government.

Mr. DRYSDALE: No conflict!

Mr. MARTIN (*Essex East*): Mr. Drysdale said a decision in this matter was one that rests with this committee. I argue with confidence that that is not the case. Under our practice, under our procedures and under our traditions, the decision is one that rests with the chairman.

Dr. Ollivier, the law officer of the crown—Mr. Johnson shakes his head; well, I bow to his great experience in these matters; but he will find, if he listens—

Mr. JOHNSON: You are referring to my great experience? I would like some citation from you.

Mr. MARTIN (*Essex East*): If he would like to listen to what I say, he will see that my submission is right. In a matter like this I am sure that none of us wants to be activated by any motives other than motives of the highest order, because the principle of human justice is involved in the proceeding that is now before the committee.

The law officer of the crown has stated that the rule, both in *Beauchesne* and in *Campion*, is that while judicial proceedings are pending, the matter shall be regarded as one that is *sub judice*. The rules and the practice also establish that it is the chairman who, in the final analysis, decides whether or not the matter is *sub judice*—and not the committee.

It would certainly be a violation of every concept of judicial proceeding if we were to allow this kind of matter to be decided by a vote.

Mr. DRYSDALE: Have you any authority for this very important point, Mr. Martin?

Mr. MARTIN (*Essex East*): Yes. The authority is the practice—

Mr. DRYSDALE: Whereabouts?

Mr. MARTIN (*Essex East*): I have not *Beauchesne* before me. I never for a moment thought that any member of this committee would take any other view; but I will certainly point out what *Beauchesne* says. I believe the citation is 182. I was not ready for the particular argument this morning, otherwise I would have had the citation.

Mr. JOHNSON: In all your experience!

Mr. MARTIN (*Essex East*): Would Dr. Ollivier remind me of the citation? Is it not 182?

Dr. OLLIVIER: It was standing order 41 at that time.

Mr. MARTIN (*Essex East*): No, that is not the one. The point before us is not whether or not these proceedings shall take place. As one member of this committee, I insist that there should be the fullest investigation and inquiry made by this committee. But the point that is before us is simply whether or not the well-known and tried principles of British justice are going to prevail in this particular case.

Now, what has the committee before it? What confronts the chairman? First, a statement made by counsel for the accused, which in itself is a *prima*