

Then in Beauchesne:

Besides the prohibitions contained in standing order 41, it has been sanctioned by usage both in England and in Canada, that a member while speaking, must not:—

—amongst other things—

—refer to any matter on which a judicial decision is pending.

Many years ago—I think it is about thirteen years ago—there was a motion made in the House of Commons on human rights. At that time Mr. Diefenbaker suggested that the question be referred to the Supreme Court for decision. This was ruled out of order. I will read a few lines of the Speaker's decision on that subject at that time:

This amendment actually proposes that the Supreme Court be asked to consider the same matter that the main motion proposes to refer to a select committee. It seems to me that both those propositions cannot be approved at the same time by the house. If the constitutional situation of human rights is submitted to the Supreme Court it thereby becomes sub judice and cannot be considered by the committee until the court has given its decision. The question cannot be before two public bodies at the same time. For this reason I feel bound to rule the amendment out of order.

To my mind, the test in this case is simply as to whether your discussions will prejudice the case of the accused in Montreal. That is a thing you have to judge. I cannot judge for you, and I would not attempt to do it. But if I am allowed to give you my own personal experience, I would say this, that I have not read anything that has gone on before the courts when I have attended this committee a few times—and I have read the records of the committee hearings. My reaction is that those fellows are as guilty as sin—and that is what I have concluded because your committee has discussed that matter all these days. If it has influenced me that way, would it not influence a judge or jury in the same manner?

Mr. DRYSDALE: Mr. Chairman,—

The CHAIRMAN: Mr. Johnson first.

Mr. JOHNSON: Dr. Ollivier, you have just mentioned you have followed the proceedings of this committee. Would you be in a position to tell the committee what is the exact scope of the cases before the court? I mean, what is the accusation before the court?

Dr. OLLIVIER: I do not know what the accusations are before the court, because I have not followed the court proceedings; but I know what the accusation is before this committee.

Mr. JOHNSON: How could you then say the questions that we are asking here, or the statements that are being made here, do have a bearing on the case and especially on the accusation?

Dr. OLLIVIER: Those fellows are accused of having taken money from the till and putting it in their own pockets.

Mr. JOHNSON: Could you then quote any question or statement before the committee that deals with this particular matter; namely any statement or any question that would imply that those six accused have actually done something improper or criminal? Could you cite me any of the questions or statements?

Dr. OLLIVIER: I have not the proceedings in front of me, and it is just a general impression. I did not take any notes of any particular question, but I have no doubt of what those fellows are accused, and my general reaction—not from any special item or special sentence that was made—is those fellows are guilty.