

violation of the rule? If my honourable friend can discuss in Parliament a judicial matter which is under investigation by the Board of Railway Commissioners, why can he not to-morrow take up any case that is before the Supreme Court or Exchequer Court in the same way, analyze it, and offer observations? Is he not violating the rule which prescribes that when matters are sub judice they are not to be discussed by other people?

Hon. Mr. ROBERTSON: In reply, may I ask my honourable friend a question? Does he hold that although Parliament itself stepped in and interfered in this matter in 1922, and brought into existence the situation of which I am now complaining, a member of Parliament has not the right to raise his voice in Parliament to discuss the question? I am certainly amazed—

Hon. Mr. BELCOURT: The answer is very plain. Parliament has delegated to the Board of Railway Commissioners the duty of investigating these matters and deciding upon them, and whilst they are performing that duty it is not the business of Parliament to discuss the matter.

Hon. Mr. ROBERTSON: I would observe that Parliament did not delegate this duty to the Board of Railway Commissioners; it was delegated by the Governor in Council under Order P. C. 886 on June 5, 1926, after Parliament had stepped in in 1922 and overriden the decision of the Board of Railway Commissioners with reference to reductions in freight rates. I am discussing a matter that directly affects Parliament, that is the result of an action of Parliament and of the Government, and it surely never occurred to me that I was not in order in discussing so important a public question.

Hon. Mr. DANDURAND: What bothers me is this situation that is being created by the statement of my honourable friend. He will state a case and draw conclusions.

Hon. Mr. ROBERTSON: Yes.

Hon. Mr. DANDURAND: Some other member may controvert his statement, either in fact or in law, but Parliament can make no decision. The body to which we have delegated the power to settle this matter would have to make its own decision. Would it accept or be influenced by a discussion that has taken place in this Chamber, or in the other, as containing arguments that it must weigh? I doubt it. Then is our discussion not somewhat vain?

Hon. Mr. ROBERTSON: But Parliament deprived the Board of Railway Commissioners

of that authority of which my honourable friend now speaks, and after Parliament found itself in a muddle as a result of that interference, the Government passed an Order in Council and said: "We unload all this back on the Board of Railway Commissioners." I want to call the attention of Parliament to the result of that action of Parliament and the Government in this important matter, because it affects the welfare of three-quarters of a million people of this country; and I surely think that a free discussion of a question so important ought not to be strangled in the Parliament of Canada.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask a question with reference to the point raised by my honourable friend and colleague (Hon. Mr. Belcourt). Will he quote the rule?

Hon. Mr. CASGRAIN: Hear, hear.

Right Hon. Sir GEORGE E. FOSTER: Will he quote the rule which forbids the discussion in this Chamber, or in the other branch of our Parliament, of a matter affecting the public welfare, simply because the Board of Railway Commissioners has under its consideration, at or about this time, the question of fixing railway rates? Where is the rule? Before we get into a heated state about this, if there is a rule under which we are bound, let us have a reference to it; then we can come to some conclusion. If there is no such rule, we are free to discuss this matter. I am of the opinion that there is no such rule, and that we are not so bound.

Hon. Mr. BELCOURT: Well, I cannot quote any rule. This matter stands on very much the same footing as do many other things in the British Constitution for which there is no text; but I would appeal to my right honourable friend and ask him if he is not very well aware of the rule that—not in so many words, but for reasons of good government, reasons of propriety and decency, and in order to preserve the impartiality of our courts—prevents the discussion, for instance, of matters which are being investigated by a judicial tribunal like the Railway Commission. I do not think I need cite any text to my right honourable friend to convince him that such is the principle under British institutions. To me this is exactly as if we were discussing an appeal now pending before the Supreme Court of Canada.

Hon. Mr. ROBERTSON: Honourable gentlemen, it is not my purpose, as I stated at the outset, to make an argument for an increase or decrease of freight rates. All I