

Mr. WOODSWORTH: I should like to have details of the appointment of D. Barbes, J. W. Gibson and the others mentioned in this item.

Mr. SPEAKER: When the Civil Service Commission reorganized all the departments and reclassified the employees it dealt somewhat summarily with the staff of the House of Commons and the Senate. Let me say that so far the Senate has refused to fully recognize the authority of the Civil Service Commission. A certain number of the employees of this House are classified by the Civil Service Commission, and I may say that at the present time there is a strong agitation amongst the officials for a reorganization and reclassification. With a view to carrying this into effect I have had two meetings of the Board of Internal Economy, and as a result the Civil Service Commission will be asked to recast the organization and classification of our branch of the legislature.

I am very glad the hon. gentleman has asked this question. All the employees mentioned in the vote have been in the service of the House of Commons for many years. The classification in their individual cases not having been made, I took from the Board of Internal Economy authority to bring the matter before the Treasury Board. I may say that between the Department of Justice and the Civil Service Commission there seems to be a difference of opinion as regards those of our employees who for a number of years have, nominally, been temporary, but actually have been permanent, for they are in the permanent service of this House. I may say, without giving names, that the members of the commission have agreed that the only way to settle this question was to bring forward those cases for the ratification of parliament.

Now, I should like the committee to remember that, without claiming we are above all laws, there are ancient and well-established privileges appertaining to parliament. Before his death the late Sir John Bourinot—who, as hon. members know, is frequently quoted in this parliament and in the other parliaments of the empire as an authority on parliamentary procedure—in a memorandum which I have before me claimed that the parliament of Canada in regard to its internal economy, the appointment of its employees and servants, is above all commissions. I do not say that I am quite ready, especially now that we have a Civil Service Commission, to pass over that commission; but if I am not trespassing on the time of the committee I should like to read a few extracts from this

[Mr. Speaker.]

memorandum. It has been printed, and I intend to have it circulated to apprise members of parliament of the ancient and well-established privileges which appertain to this great inquest of the nation. Says Sir John Bourinot:

The House, it has been well said, "has always asserted the right to provide for the constitution of its own body, the right to regulate its own proceedings and the right to enforce its privileges, etc."

Further, he says:

The control and management of the officers of the Houses are as completely within the privileges of the Houses as necessary to the conservation of dignity and the efficient conduct of public business, by a legislative body, as "any regulation of its own proceedings within its own walls."

Again, he says:

When it was deemed advisable to apply the Superannuation Act to the officers and servants, no attempt was made to apply it to the Senate and House of Commons by an order in council, or by any arbitrary exercise of the royal prerogative, but a clause was added to include in express and definite terms "the permanent officers and servants of the Senate and House of Commons and the permanent officers of the Library of Parliament," and these words were added in express recognition of the powers, privileges and immunities of the Commons:

I would draw the attention of hon. gentlemen to these words:

"Saving all rights and privileges of either House in respect to the appointment or removal of the officers and servants."

Sir John Bourinot continues:

No general statute or order in council can override the privileges, immunities and powers of the Commons in this particular. As the prerogatives of the crown can only be given away or delegated to others by the consent of the crown, stated in express terms, so the rights, privileges and immunities of the two branches of the legislature cannot be taken away by implication or by the vague terms of any statute, but only by the express words of the law as in the case of the enactments previously cited, or by the express resolution of the Houses, as in the case of the Audit Act, the general terms of which might be considered by some applicable to the two houses of parliament, but were only made so in fact by resolutions passed separately in the Senate and Commons, which enabled the officers of those houses to act thereupon.

Further, he says:

The houses being the judges of their own privileges, and having the sole regulation of their own procedure and proceedings, it is for them alone to control those instruments which are necessary for the effectiveness and accuracy of those proceedings. If the clerks and officers who are subject to these regulations, and necessary for the efficient conduct of the public business of the House, are subject at any moment to the inquiry and examination by persons commissioned only by the executive