

*Election of Speaker*

that great member of the house, these are creating a body of tradition, even in this country, that has great value.

The Speaker of our house first of all has to preside over our deliberations. He must protect the person of the members from insult. He must maintain decorum. I believe some centuries ago there was an hon. member addressing the house who was not being heard because of the noise, and the Speaker indicated that while he could call upon the hon. member to speak he was not in a position to ensure that he would be heard. But that statement of the Speaker was called in question and was regarded as being entirely unsound. Every member of the house has a right to the maintenance of order. Nor is it his duty nor the duty of the members of this house to call upon the chair to maintain order; it is the duty of the chair to maintain order and decorum in this chamber. It will be within the memory of many, perhaps, that only a few years ago in the House of Commons when there was considerable noise being made by the opposition—which is not unusual—the Speaker turned to the leader of the opposition and asked him if that tumult had his approval or assent, whereupon the leader of the opposition said, “Far be it from me, sir, to indicate to you what your duty is, but I know mine too well to answer that question.”

Therefore it is quite clear that it is the duty of the Speaker to maintain order and decorum in this chamber; that is provided for by the rules of the house. In addition to that he must put every question to the house that has to be considered by its members; any motion or resolution must be read by him. But he has a second duty which perhaps far transcends that which I have just mentioned. His second duty is to see that the conduct of debate is maintained in accordance with the rules and practices of this house. That is a difficult task. I think it was Mr. Gladstone who said, when Mr. Speaker Peel was leaving the chair, that no man in two centuries had had the difficult conditions to meet that had the then retiring Speaker. In this house the duties and the difficulties of maintaining the rules of order for the conduct of debate have become greater as the years have gone by. I do not know why. I am going to suggest one reason presently. But in the maintenance of the respect and regard for the rules of debate there are two considerations that a Speaker must always have before him. One is that he must have a knowledge of the written rules, that is the standing orders and rules

[Mr. Bennett.]

of the House of Commons, which are embodied in the little volume which I hold in my hand. That, as we lawyers might say, is the *lex scripta*, the written law governing the House of Commons in the conduct of debate. But there is a great body of law which is not written. There is a great body of precedent which has to do with the conduct of debate. There is that accumulation which has come down, as Sir Wilfrid Laurier said, during all the ages, to which we must pay regard and respect.

Thus it is that the Speaker is the guardian of the powers, the dignities, the liberties and the privileges of this House of Commons. It will be recalled that in the time of King Charles I, when the king went down to arrest five members or have them arrested, the Speaker of that day said:

I have neither eyes to see, nor tongue to speak, in this place but as this house is pleased to direct me, whose servant I am here.

And the position of Speaker therefore becomes that of a servant or organ of the House of Commons. That I think is quite clear. I shall illustrate my point with respect to the question of the rules that are written and the unwritten rules that govern. For instance there is embodied in our standing orders a rule as to the length of time that may be employed in speaking to the house. I have no doubt some members are looking at the clock now. The time is limited, as is known, to forty minutes. That was because this House of Commons so desired, and no one else. The House of Commons makes its own rules and determines how long members may speak, and they have now embodied it in a written rule which was adopted by this house.

There is a rule also with respect to reading speeches. Sir Austen Chamberlain in his recent book, *Down the Years*, reviewing his life, refers to the fact that conditions in the British House of Commons have become steadily worse; he blames the two front benches largely for this, and refers to the fact that essays have taken the place of speeches, and that essays have been read in the house. I recall, although I am subject to correction as to my memory being accurate, that a Speaker pointed out that a Mr. Jeffrey was reading his speech. At the end of his speech the Speaker of the day spoke to Mr. Canning and Mr. Fox as to whether or not he should direct attention to it, and they said they thought he very properly should, and he did. Later when Mr. Jeffrey was closing the debate