

tion of hon. members will be taxed in vain to indicate or picture to this House what such an urgent case could be. I assume, out of regard for the intelligence of all hon. members of this House, that there was such an urgent case, and we must proceed to inquire whether or not the authority quoted by Mr. Speaker had application thereto. If it had, then it was not only the right of the Speaker, but his clear duty to resume the Chair just when he did on that occasion, without waiting for the report of the Chairman. The hon. member for Westmorland has argued that in all cases where we have no specific rule on the subject, we revert to the rules, usages and forms of proceedings in force in the motherland on the 1st day of July, 1867. We have availed ourselves of the authority vested in us under the British North America Act, as amended in 1875, to vest this House with all immunities and privileges of the mother of parliaments at any time enjoyed; consequently this rule is strictly within our power. What were the rules, usages and forms of proceedings in force in the British House on 1st July, 1867, in so far as they relate to the present case? Hon. gentlemen who were in the last parliament will remember that the purview of the words, 'rules, usages and forms of proceedings' was under discussion on an amendment to the motion to go into Supply, and received very thorough treatment at the hands of the then hon. Minister of Justice. It was laid down in that debate, and indeed, no authority is necessary to support it, for all will agree to it as a matter of common sense, that the rules referred to mean any rule, especially rules of a permanent character that are imprinted in the books and records, and are established as such by Parliament, and furthermore that they embrace all usages that might otherwise be called the common law of Parliament, and they become usages by virtue of precedent, however rare that precedent may be. So long as they have been acted upon, and are unquestioned as usages in the British House, then they are such usages as were in force on 1st July, 1867, and Parliament has vested us with authority to act thereupon. One would have thought that the hon. member for Westmorland, would have traced the authority for the assertion of Bourinot when it had been quoted by you, Mr. Speaker. Bourinot, in inserting this in his book, thereby gives it as his opinion that that rule is applicable here, and in support of that opinion he quotes one specific authority, the Fuller case, in the British House in 1810. I have gone further back, and I have found an authority of an earlier date; I go back to 1675.

Some hon. MEMBERS: Oh, oh.

Mr. MEIGHEN

Mr. MEIGHEN: Hon. gentlemen may think it looks like straining the case to get an authority so far back in history, but they must remember that in regarding the antiquity of the authority for your action, Mr. Speaker, they must also have regard for the antiquity of the offence. When I set about to find authorities, I made up my mind that I would have to get pretty close to the days of barbarism in order to get a precedent for the conduct of hon. gentlemen opposite on that Saturday night. In May's Parliamentary Practice, page 367, we find that the following incident occurred in the British House in the year 1675:

An outbreak of disorder in a committee, by which the honour and dignity of the House were affected, has justified the Speaker in resuming the Chair immediately, without awaiting the ordinary forms.

That is very clear and pertinent to the present case.

On the 10th May, 1675, a serious disturbance arose in a Committee of the Whole House, which threatened bloodshed; the Speaker thereupon 'very opportunely and prudently rising from his seat near the bar, in a resolute and slow pace made his three respects through the crowd, and took the Chair.'

These words are in quotation marks, having been taken from the records of that time, and the quotation is couched in the language peculiar to that time:

The mace was laid upon the table; the disorder ceased; and the Speaker stated that it was to bring the House into order again, that, 'though not according to order,' he had taken the Chair.

Some hon. MEMBERS: Hear, hear.

Mr. MEIGHEN: That appears to have been the first precedent; and consequently Mr. Speaker was quite justified in the assertion; but once he acted the authority and the precedent were established. No other entry appears in the Journal than that 'Mr. Speaker resumed the Chair,' and it is Journal entries that constitute a precedent for this House to follow. The Journal entry is as follows:

'Mr. Speaker resumed the Chair,' but the same report adds that though some gentlemen excepted against his coming into the Chair, the doing it was generally approved, as the only expedient to suppress the disorder.

That is evidently applicable to the case now in question.

This incident has not been repeated—

Some hon. MEMBERS: Hear, hear.

Mr. MEIGHEN: I think there must be a misprint there, for the same author goes on to say that it has been repeated.