

March 15 last. My hon. friend has referred to the case of 1675, and I understood him to say that bloodshed was threatened. I wish to discuss this matter very dispassionately and, although I do not mean to say for one moment that bloodshed was threatened in this House on the occasion to which I have referred, I do say that, as a matter of my own observation, a very respected member of this House was standing within two feet of the Chairman, with his hand raised, and I am quite sure in my own mind that the hon. gentleman in question was, in the common law, guilty of an assault, because, by the common law, physical contact or physical force is not necessary to constitute an assault. If a man in an angry mood is standing within striking distance of an opponent with his hand raised, he is, at common law, guilty of an assault on the individual in question.

Mr. PUGSLEY: Would my hon. friend say that there was disorder in the committee which the Chairman was powerless to put an end to, in view of the fact that the Chairman himself was violating the rules, and could, by his action, have stopped the disorder at any time?

Mr. WHITE: I do not admit for one moment the contention that the Chairman was violating the rules of the House, and I say that the Chairman at that time, who has the respect of all the members of this House, was endeavouring to discharge his duty to the best of his ability. There was disorder and tumult in this House, which, as I am advised and believe, was unprecedented in its extent; an hon. member of this House was standing two feet from the front of his desk with his hand raised in a very threatening attitude over the Chairman; and it was under those circumstances that you, Sir, very firmly and with great dignity took the Chair and put an end to these proceedings. I say therefore, that, far from even by implication blaming you, Sir, for your action on that occasion, the Commons of Canada is indebted to you for the firmness and dignity with which you took your seat and repressed the disorder which had taken place in the committee at that time.

I now come to a consideration of the special cases that have been reviewed in connection with this matter. I agree with the hon. member for Westmorland that the general principle as contained in rule 1 of the House is applicable.

In all cases not provided for hereinafter or by sessional or other orders, the rules, usages and forms of proceedings of the House of Commons of the United Kingdom of Great Britain and Ireland in force on the first day of July, 1867, shall be followed.

What were the rules and usages, or some of them, of the British House of Commons

upon that occasion? It was stated by the hon. member for Portage la Prairie that the case of 1675 was an antiquated case, but we are dealing with the common law of parliament, and any lawyer knows that, in common law, the older the case the greater its validity.

Mr. MACDONALD: If my hon. friend will look at May, he will find that such an incident as this, which the hon. gentleman contends to be so ancient, has not been repeated.

Mr. WHITE: Certainly, and so it is generally unwise to attempt to lay down any rules in advance of actual occurrences. In all probability, no such scene ever disgraced the British House of Commons afterwards, and I venture to say—I shall not use the same word, because it would not apply in this case—that we cannot foresee that the particular occurrence to which I have referred—the disorder which existed in this House—may not occur again in a very aggravated form. The hon. member for Pictou says that May asserts that the incident in question never occurred again—

Mr. MACDONALD: Not the actual disorder; but May says that the ruling and the conduct of the Speaker was never repeated in the British House of Commons.

Mr. WHITE: Incidents may never have occurred which would call forth that attitude on the part of the Speaker, and we may never have a repetition of the disorder that occurred in this House a week ago Saturday night. But we may have a repetition of that occurrence, and we may have it in an aggravated form. Therefore, I say it is very unwise to lay down in advance rules for the future guidance of the Speaker, because the Speaker must take such measures as are in his opinion necessary to restore order, subject only to an appeal to this House. I do not argue that the Speaker is to be absolutely fettered by precedent, because, if such a principle had been followed, no Speaker in the British House of Commons would ever have taken a step not justified by precedent; but it must be remembered that the whole of the common law has consisted in and been made up of the establishing of precedents from time to time in order to meet circumstances as they arise. As I have said, it is extremely unwise for us to attempt to fetter the Speaker or ourselves by rules now laid down to meet situations which by no means can we forecast or foresee. We must decide this matter upon the general principle that the Speaker is charged with the duty of maintaining order, and that he must, on any particular occasion which we cannot now foresee, do whatever he deems necessary, as the presiding officer of this House, to restore order, and if any member