

vestigated the matter of complaint and be prepared either to oppose or facilitate the interference of Parliament on the particular occasion.

Now (Mr. Chairman, I submit that this is abundant authority to show that this discussion is entirely irregular, and that even if the hon. gentleman (Mr. McMullen) proposed to proceed formally, openly and above-board and in a manly direct fashion, even then the Ministers of the Crown would be bound to interfere until these parliamentary proceedings were taken when they could either assist the hon. gentleman (Mr. McMullen) or resist them. I ask for your ruling, Mr. Chairman.

The POSTMASTER GENERAL. I do not know whether my hon. friend (Sir Charles Hibbert Tupper) has any other authority, but that which he has recited only refers to a motion or application to present a petition, and not to the remarks of an hon. member.

Sir CHARLES HIBBERT TUPPER. The authority I cited was from Todd. I supposed the Postmaster General would have seen that the spirit of the quotation would have prevented anything like this discussion. But Todd continues:

The House of Commons should not initiate, and Ministers of the Crown ought not to sanction any attempt to institute criminative charges against any one unless upon some distinct and definite basis.

The committee is aware that the hon. gentleman (Mr. McMullen) does not take the responsibility of making a formal charge. If any one dared to assume that responsibility of course a different state of things would be presented and then the way would be clear. It seems to me unnecessary to argue that this indirect manner of aspersing and bringing into contempt the judges of the land is entirely against parliamentary procedure, and that the Ministers who are charged with the duty should protect the judges from such an attack.

Mr. McMULLEN. Well, Mr. Chairman, I claim the right in this House—

Some hon. MEMBERS. Order; Chair.

Mr. DEPUTY SPEAKER. The hon. gentleman (Mr. McMullen) has a right to discuss the point or order.

Mr. QUINN. He is not discussing it.

Mr. DEPUTY SPEAKER. He has not so far spoken as to indicate what he is going to say.

Mr. McMULLEN. I am simply making a statement of what I find on the public records of this House. I am not making any statement that is not backed up by the records that are placed before the eye of

Sir CHARLES HIBBERT TUPPER.

Parliament. I am taking that as my guide and the ex-Minister of Justice (Sir Charles Hibbert Tupper) is not going to prevent me making any statement here which I am within my right in making as a representative of the people. If it reflects upon any person outside of this House, I cannot help it. I merely state what the records of the House prove.

Mr. QUINN. I rise to speak on the point of order. The hon. member (Mr. McMullen) says he is speaking from the public records, and he has made a statement that certain judges reside in Montreal when they should reside in their judicial districts. The hon. member (Mr. McMullen) cannot pretend that he has in the records before him any such statement of fact. The statement of the hon. gentleman is a charge against a judge that he has violated the law under which he is appointed. The hon. Postmaster General says that the authority of my hon. friend the ex-Minister of Justice (Sir Charles Hibbert Tupper) does not go as far as he pretends it does, because it refers only to petitions and motions. But if a formal petition or motion is not to be presented to this House without an investigation by the Ministry, how much less should irresponsible statements of members of this House criticising the conduct of judges be tolerated when those judges have not the opportunity of defending themselves before this House. I think it a most disgraceful thing and a reflection on the administration of justice of our country.

Mr. DEPUTY SPEAKER. When a point of order is to be discussed, it should be discussed very calmly and without the use of such expressions as that which the hon. gentleman has just used.

Mr. QUINN. I am discussing it very calmly. I say it would be a disgraceful thing if it could be tolerated that the characters of the judges of the Dominion of Canada could be aspersed here by any hon. member of this House—not staking his reputation, not having the courage to make a direct charge against them, but standing up here without any responsibility and charging them with stealing the public money, with violating the laws under which they were appointed. I say that if such a thing were possible, it would certainly be a most disgraceful thing, and would not secure that proper administration of justice and that respect for the judiciary which it is entitled to under our constitution.

Mr. DEPUTY SPEAKER. The question which has been raised is a very important one. I think a discussion concerning judges should be held with very great caution. I find in the authorities that generally no charge should be made against the judge without adopting the usual proceeding. I understand that a statement which would