

member for Portage la Prairie to support your action were the three cases given in May's Parliamentary Procedure. The first case is the old case in the reign of the Stuarts in which, for the purpose of avoiding imminent bloodshed, the Speaker took the Chair while the committee was sitting and stated to the House that he had not done so according to order. Surely that should be an answer to the argument of my hon. friend (Mr. Meighen) that that case is a precedent which should be followed. It was improperly done by the Speaker on that occasion—done not according to order, as he stated himself. If the Speaker can act contrary to the rules of the House in one instance, why may he not do so in every instance? Rules are framed in this Parliament and in every parliament to bind members and Speaker. I submit, therefore, that the case which was cited by my hon. friend from Portage la Prairie (Mr. Meighen), which occurred in the year 1675, is not a precedent at all for Your Honour's action. It was entirely out of order at the time when the incident took place and it would be out of order still unless it complied with our rules or with some law or usage of parliament, and I submit that no such law or usage is in existence.

As regards the Fuller case, that is the case upon which Mr. Bourinot has made the statement referred to by Your Honour on the 15th of March. I do not read the Fuller case, as does my hon. friend from Portage la Prairie. Sir Thomas Erskine May, whose authority I do not think will be questioned in such matters, states the Fuller case in this way; at page 367, he says:

Subsequently when a member who, for disorderly conduct had been ordered into custody, returned in the House, during the sitting of a committee in a violent and disorderly manner, upon a report of progress, the Speaker resumed the Chair and ordered the Sergeant to do his duty.

Mr. MEIGHEN: Has the hon. gentleman read the actual account of the occurrence?

Mr. GUTHRIE: I am coming to that.

Mr. MEIGHEN: He will find that there was no report of progress at all.

Mr. GUTHRIE: In my opinion, Sir Thomas Erskine May is one of the very highest parliamentary authorities. The statement contained here has run through eleven editions of his work and has stood unchanged in the particular respect to which I have just referred. I therefore take it that there is some reason why so great an authority should have made that statement, and why editors of subsequent

editions should have left it unchanged throughout eleven editions. It may be this, that the misconduct at that time was a subject of report by the committee, and, that being the case, that there was a continuing report in the Speaker to see that this first order was maintained. I think that is probably the solution, because the account of the proceedings, to which my hon. friend from Portage la Prairie has referred does not mention that on the second occasion when Fuller entered the chamber there was a report. I contend that the Speaker was merely maintaining his original authority to see that Fuller was again excluded by the Sergeant-at-Arms. I think we may take it for granted that Sir Thomas Erskine May placed that statement in his book after consideration, and that there was a report or the equivalent of a report on that occasion. The other case cited by my hon. friend is the case which took place on the 6th of March, 1815. In that case there undoubtedly was a report of progress upon which the Speaker acted. Even if the first case in 1675 is a precedent, still I maintain that in the face of our positive rule it cannot be treated as such. Rule 14 abrogates any custom or usage. If we give any force or effect to rule 1, then the custom or usage of Parliament relied on by my hon. friend from Portage la Prairie is entirely abrogated by rule 14. If rule 14 had no existence or, if it were framed in different language, it might then be argued—I agree with my friend from Portage la Prairie—that there was some authority for Your Honour taking action on that occasion. I cannot for a moment admit that the English rule No. 161 has the slightest application to the occurrence which took place on the 15th March last. That has reference only to a sitting of the House where the Speaker, in a case of grave disorder, may take the Chair and do one of two things, either adjourn the House or suspend the sitting. He has no power to do either except under a motion. He can take the Chair but he cannot adjourn the House or suspend the sitting without a motion. Under similar circumstances in England, Speakers have taken the Chair when the House had been sitting as a House and not as a committee. In this instance there is all the difference between a sitting of the House and a sitting of a committee. If I may point out to Your Honour with great deference and respect, Your Honour has stated the reasons which actuated you in taking the Chair. That is all to be found in 'Hansard' I submit to your Honour with a good deal of confidence, knowing that if my argument is correct Your Honour will be the first member of this House to see that the matter is set right, that you were

Mr. GUTHRIE.