

Question of Privilege

the house come to the latter conclusion, he will be declared guilty of a breach of the privileges of the house.

Bourinot also states at page 64 that:

When a member has reason to complain of a speech made by another member outside the house, he must bring up the paper, but it is customary, as a matter of courtesy, to give notice of his intention to the member complained of and ask him formally whether the report is correct before proceeding further in the matter.

To give a last quotation from Bourinot, at page 305 the author writes:

When a member proposes to make a motion touching another member, it is frequently found convenient that he state his intentions in his place, and then give notice that he will move it when motions are called in due order on a subsequent day.

As to precedents in the United Kingdom, referring to the fact that the authority of the house supersedes that of the Speaker in the case of occurrences which have taken place outside the house, here are two such precedents which appear to be applicable.

On April 11, 1877, on a question of privilege raised by Mr. Sullivan complaining that an hon. member had called him a liar in the lobby, Mr. Speaker said:

If such an expression as that stated by the honourable member for Louth had been made within my hearing in the House, of course it would have been my duty at once to interpose on my own authority. The expression, however, was used in the lobby and it will be for the House to determine what course to take under the circumstances... it becomes my duty to call upon the member for Stoke that he may be heard by the House in explanation of the statement made by the member for Louth.

Later on the Speaker repeated:

It is for the House to determine whether that observation should be withdrawn by the honourable member.

Then on July 21, 1887, respecting a question of privilege, Mr. Speaker made the following statement:

There have been repeated complaints made to name the members of this House in the course of the session, of language used in the lobbies which I have thought to be derogatory to the dignity and character of the house. The honourable gentleman was deeply pained and I told him that I thought that he was justified in bringing the matter before the house; that I thought it was not for me, in a case of that sort, to intervene; and that the House should decide for itself if he thought proper to bring the matter before the House.

However, in that case the Speaker did discuss at length what had happened in the house, and he concluded as follows:

I hardly know whether I have transgressed the bounds of my duty to the house in what I have

said; but I would respectfully urge the house, after the formal, distinct, and unreserved apology, as I regard it, that the apology should be accepted by the house, and that the house should no longer pursue this question.

In the same manner I might say myself that I hardly know whether I transgressed the bounds of my duty to the house last Thursday, but I was satisfied on that day that the withdrawal of the right hon. Leader of the Opposition should be accepted and that the house should no longer pursue the question.

Having regard to what I have said and to the numerous precedents I have quoted, I believe that it is quite clear, in respect to incidents which take place outside the house, that it is the house itself which has the authority and responsibility of resolving any questions of privilege. I suggest that hon. members in future when raising questions of privilege, such as those raised last Thursday, should at the very beginning of their speech advise the Speaker that at the end of their statement they will conclude with a motion so that, if such a matter is found to be a prima facie case of breach of privilege and also if it has been raised at the earliest opportunity, the house may deal with it according to the rules and the recognized practice.

COMMITTEES OF THE HOUSE

Second report of special committee on defence—Mr. Hahn.

Second report of standing committee on standing orders—Mr. Asselin (Notre Dame de Grace).

**RAILWAYS, CANALS AND TELEGRAPH LINES—
CONCURRENCE IN FIRST REPORT**

Mr. J. T. Richard (Ottawa East) presented the first report of the standing committee on railways, canals and telegraph lines, and moved that the report be concurred in.

Motion agreed to.

LIBRARY OF PARLIAMENT

CONCURRENCE IN REPORT OF JOINT COMMITTEE

Hon. Guy Favreau (Minister of Justice) moved:

That the report of the joint committee of both houses on the library of parliament, presented to this house by Mr. Speaker on Monday, May 25, 1964, be now concurred in.

Motion agreed to.