

the Journals relate of the incident of that day. It took place on the 27th of February, 1810:

The House resolved itself into the committee; and, after some time spent therein, Mr. Speaker resumed the Chair; and Sir John Anstruther reported from the committee, that they had examined a witness, and had made a further progress in the matters to them referred; and that he was directed by the committee to move, that they may have leave to sit again.

And the House being informed, that a member of the committee had misbehaved himself during the sitting of the committee, making use of profane oaths, and disturbing their proceedings;

John Fuller, Esquire, member for Sussex, the member complained of, was heard to excuse himself; in the doing of which he gave greater offence by repeating and persisting in his disorderly conduct:—Mr. Speaker thereupon called upon the said Mr. Fuller by his name; upon which Mr. Fuller was directed to withdraw; and he withdrew accordingly.

Ordered, Nemine Contradicente, that the said John Fuller, Esquire, for his offensive words and disorderly conduct, be taken into custody of the Sergeant-at-Arms attending this House; and that Mr. Speaker do issue his warrant accordingly.

And the Sergeant-at-Arms having informed the House, that he had, pursuant to their order, taken into his custody the said Mr. Fuller;

Resolved, that this House will, immediately, resolve itself into a Committee of the Whole, to inquire further into the policy and conduct of the late exhibition to the Scheldt:—The House accordingly resolved itself into the committee; and, after some time spent therein;

The said Mr. Fuller returning into the House in a very violent and disorderly manner; Mr. Speaker resumed the Chair, and ordered the sergeant to do his duty; Mr. Fuller was accordingly taken out by the sergeant, assisted by his messengers.

Then the House again resolved itself into the committee.

This account would perhaps justify the version which was given by my hon. friend from Portage la Prairie, that upon the second occasion, Mr. Speaker had taken the Chair without any report to the House. However, May, who relates this incident, who writes the standard book upon parliamentary procedure, and who is a careful writer, does not read the incident as my hon. friend from Portage la Prairie does, because he says that upon the second occasion there was a report from the committee to the House. Let me read the incident as related by May:

This incident has not been repeated, for subsequently when a member who, for disorderly conduct, had been ordered into custody, returned into 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.

Sir WILFRID LAURIER.

You see there that, after the member had been taken into custody, he came back into the House while the House was in committee and was disorderly again, and that, upon report, the Speaker took the Chair and ordered the sergeant to do his duty. In this matter it seems to me that we should be guided as to what is the usage of Parliament by May, who is the standard authority, in preference to anybody else. Whatever may be the true history of this incident, it is clear from the testimony of May, the author of the book which we are accustomed to follow, that, under such circumstances, the Speaker has no authority to take the Chair except upon a report. Is this not absolutely in accordance with the spirit of our parliamentary system? The House resolves itself into Committee of the Whole for what purpose? In order that a certain measure which is engaging the attention of the House shall be discussed more minutely than it can be with the Speaker in the Chair. It is a rule of the House, well known and never disputed, that when a measure has been committed to the Committee of the Whole, the Committee of the Whole remains seized of it until it has completed its examination of the measure and reported to the Speaker. If this cannot be done in one sitting, the rule is that the Committee must report and ask leave to sit again. It is the rule that, if it does not ask leave to sit again, the measure disappears from the Order Paper, and it cannot be restored unless by special order of the House. These rules are well known. If these rules are well known and cannot be controverted, how can it be contended that at any time the Speaker of the House can come in, interrupt the proceedings of the Committee and assume authority over it? All the authorities I have cited are against that.

Then, we have a third precedent, quoted also by May, which was established in the year 1815. May says:

So also, when during the sitting of the committee on the Corn Bill, 6th March, 1815, tumultuous proceedings took place outside, and one member complained that the House was surrounded by a military force, and another that he had been beset by a mob, on the report of progress, the Speaker resumed the Chair, and, the matter having been considered, the committee was resumed.

That is the law as I understand it. The Speaker, when he is in the Chair, is the supreme judge as between the different members of the House. The moment Mr. Speaker leaves the Chair, he is simply an ordinary member of the House, with the right to sit in the Committee of the House and to take part in the proceedings of that committee. He can debate, he can give his opinion, and the authorities say that in the eighteenth century it