

privilege. I know it was six o'clock, but he obviously had come to the end of his argument. As a matter of fact, he indicated that he was at the end of his argument. If anything, all I could allow would be that he finish his last sentence.

Mr. Kilgour: Madam Speaker, I thought about this last night and I think I can state the essence of my point—in a somewhat different way from the way I stated it yesterday—in about two minutes, if you will permit me.

Some hon. Members: Order.

[Translation]

Madam Speaker: I realize it is a good thing to sleep on it and that is probably what happened. But it was yesterday that the hon. member argued his question of privilege. Of course he still had the floor at six o'clock and I had to interrupt him because the sitting was over. However, I remind him that I will give him exactly two minutes.

[English]

Mr. Kilgour: Madam Speaker, I believe the position of the Chair is that you cannot find that we lawyers have a question of privilege, because to do so you would have to find that the matter is illegal. Your Honour said that we have the right to vote or not to vote. My respectful submission is that the way that ruling stands at the moment—

Madam Speaker: Order. I am sorry, but the hon. member is commenting on the ruling I made. Would the hon. member please resume his seat. I made that ruling quite specifically and answered those arguments, so the hon. member cannot come back on that ruling. I have determined that those arguments are not relevant to the question.

Mr. Kilgour: Madam Speaker, in the minute and a half I have left, let us suppose the Supreme Court of Canada ruled that this measure was illegal.

Some hon. Members: Order.

Mr. Kilgour: It seems to me that by the jurisprudence referred to by Your Honour and by Your Honour's ruling, if the absurd notion of the Prime Minister (Mr. Trudeau) that what the courts say does not matter here were upheld, with the utmost of respect Your Honour would then be in precisely the same position. If the Supreme Court of Canada ruled that this proposal was illegal and we were asked to vote on it—we would not be forced to vote—the position is that no one would attack us for voting. In my respectful submission, unless Your Honour takes a wider, newer or more expansive view of the privileges of members, that is precisely the position members of Parliament will be in.

I suppose Your Honour is going to cut me off. I thank you for listening so attentively.

● (1540)

Madam Speaker: I am ready to rule on the hon. member's question of privilege. However, yesterday when the hon.

Privilege—Mr. Kilgour

member offered me a hypothetical argument as to what would happen, for instance, if this House were to make a motion to send all of the women of this House to the moon, I was about to jump to my feet and say that that motion was quite in order, except that I might want to know whether there is a Parliament up there!

Some hon. Members: Oh, oh!

Madam Speaker: Of course, hon. members would not know why I want to know whether there is a Parliament up there. I can tell them I want to know so that I can decide whether I want a job or want to be relieved of one! That is my secret.

Some hon. Members: Oh, oh!

Some hon. Members: Hear, hear!

Madam Speaker: The hon. member began his argument by quoting from Erskine May. He read the first paragraph on page 67 of the nineteenth edition. Following that, he enjoined me to take a broader look at what constitutes privilege. He did refer to my inexperience in legal matters. I confess to that. Although I confess to inexperience in legal matters, I am beginning to have some experience in parliamentary procedure, and that is the business I am in.

Some hon. Members: Hear, hear!

Madam Speaker: If the hon. member has such experience in legal matters, I am surprised, that he did not read the whole paragraph. I will read it to him.

Mr. Kilgour: That is because of experience.

Madam Speaker: That is because he is experienced, quite right!

Some hon. Members: Oh, oh!

Madam Speaker: I can tell the hon. member that he is protected from any damage which might occur to him should he be forced by this House to do a number of things that he finds illegal or improper.

The second paragraph on page 67 of Erskine May reads:

The particular privileges of the Commons have been defined as: "The sum of the fundamental rights of the House and of its individual members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords".

In other words, May says that the hon. member is protected by parliamentary immunity. That is what it is all about. Members in this House can say whatever they feel they should say, and they are protected if they say it within the precincts of this House.

Incidentally, the hon. member had two questions of privilege; he argued them both at the same time. He argued the one about his oath, which would put him in conflict with what he is doing in the House. The second one had to do with the rules of the Bar association, which he would have to contravene if he were dealing with the constitutional motion.