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PRIVILEGES OF PARLIAMENT.

A case of breach of privilege has occupied the attention of the House of Commons during the present session, and as it appears to be the most prominent matter of this kind which has come up since Confederation, it may be well to notice it briefly here. The offence was committed in May, 1879, and was stated by Mr. Mackenzie, the leader of the Opposition (12th May), in the following words:—

"That on Saturday last, a person named John A. Macdonell, while sitting inside the House, made offensive remarks towards a member of this House, namely, the member for Shefford, who at the time was sitting in his place in the House, namely, that the said member was a cheat and a swindler; that the offending person was ordered by the Speaker to withdraw from the House, but that he nevertheless again returned, when he was again expelled by the Sergeant-at-Arms. That immediately afterwards a letter was received by the member for Shefford in the following terms, presumably written by this same person:—"To the Hon. L. S. Huntington, M.P.—Sir,—I desire to state 'out of the House what I stated in it. You 'are a cheat and a swindler.—J. A. Macdonell.'"

The adjournment of Parliament in 1879 suspended the proceedings which had been taken to bring Mr. Macdonell to the bar of the House, but on the 24th ult. he was called in, and the statement quoted above was read by the Clerk. Leave being granted to Mr. Macdonell to make an explanation and apology, he apologized to the House for the language used by him in the House. With reference to the letter addressed by him to Mr. Huntington, he said he had been advised that it did not constitute a breach of the privileges of the House, but that, if the House thought otherwise, he was prepared to offer an apology to the House for the same.

After some debate, the following motion was unanimously agreed to:—"Mr. John A. Macdonell, as he admits at the bar of this House, having used offensive words towards the hon.

member for Shefford, complained of by the Hon. Mr. Mackenzie, member for Lambton, in his place, on the 12th of May last, was, by such conduct, guilty of a breach of the privileges of Parliament." A difference of opinion existed on the question whether an apology should also be exacted to the member insulted, as well as to the House; but a motion which was proposed to that effect was negatived, and the House resolved "that under all the circumstances of this case, the House, taking into consideration the regret and apology made by him (Mr. Macdonell) at the bar of the House, does not feel itself called upon to proceed further in this matter." Mr. Macdonell was then discharged from further attendance. (See *Hansard*, 1880, pp. 182-195.)

Attention was directed, in the course of the discussion, to the Act defining the privileges of Parliament. Sect. 18 of the B. N. A. Act, 1867, is to this effect:—"The privileges, immunities, and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof." Then the Canadian Act of 1868, 31 Vict., c. 23, enacts:—"The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as at the time of the passing of the B. N. A. Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof, so far as the same are consistent with, and not repugnant to the said Act."

A prominent case which occurred in Canada before Confederation will be found in 2 Lower Canada Law Journal (1866), p. 56. Mr. J. B. E. Dorion, a member of the House, was assaulted in the Library of Parliament by Mr. E. G. Lajoie, a stranger. The House resolved that Mr. Lajoie should be called to the bar and reprimanded by Mr. Speaker for the breach of privilege, and Mr. Lajoie subsequently remained in