

would not warrant the action which you took on that occasion. Rule 161 of the House of Commons of England, which, by the way, is simply the companion of rule 21, is stated in these words:

In the case of grave disorder arising in the House, the Speaker, may, if he thinks it necessary to do so, adjourn the House without question put, or suspend any sitting for a time to be named by him.

So far as my researches have gone, and I think upon this point they have been complete and accurate, this rule did not exist in 1867, at the time of Confederation. This rule of the House of Commons, which clothes Mr. Speaker with the power to adjourn the House, has been passed since 1867, and, if that be so, it would not apply. Therefore, that authority cannot be authority in this House. Moreover, if the rule were to apply, the authority which it gives to Mr. Speaker is not to interrupt the Committee of the Whole and to take the Chair, but simply to take the Chair and adjourn the House. I believe it has been acknowledged by the hon. gentlemen who have spoken upon the subject during the day that this rule would not apply.

It has been argued by the hon. member for Portage la Prairie (Mr. Meighen), by the hon. member for Portage la Prairie, by the hon. member for Brandon (Mr. Aikins) and by others who have spoken on the same side of the House that, from the inherent power vested in his office, according to the law of Parliament, Mr. Speaker has the power to interrupt the Committee of the Whole and to take the Chair, if he thinks it advisable to do so in order to preserve order. I think I put the case fairly, accurately, and exactly as it has been put by those who have justified the action taken by Mr. Speaker. They have not founded his authority upon rule 161, which admittedly cannot apply to our case, since it was enacted subsequent to 1867, but they have founded it upon the inherent power of the Speaker. Now, the law of Parliament is derived from two sources. It is derived from the positive enactments of the House which the House establishes from time to time for its own guidance, and which are the rules which anybody can read, and from precedents which have come to us from the House of Commons in England, the mother of Parliaments, and which, by long repetition have received the sanction of law. It has been argued by my hon. friend the Minister of Finance (Mr. White) that the Speaker had such authority, and that he found it in these precedents. He has gone back to the precedent of 1675. I have only to observe to my hon. friend that he can find no authority in the precedent of 1675. It is true that on the occasion to which he referred the Speaker of the House interrupted

the Committee of the Whole and took the Chair. That is quite true; but the Speaker did so, not because he had the authority to do so vested in him by reason of his office; the Speaker on that occasion stated positively that he had no such authority. Let me quote to my hon. friend the words which we find in the books upon this point:

On the 10th May, 1675, a serious disturbance arose in a Committee of the Whole House, which threatened bloodshed; the Speaker thereupon, 'very opportunely and prudently rising from his seat near the bar, in a resolute and slow pace, made his three respects through the crowd, and took the Chair.' The mace was laid upon the table; the disorder ceased; and the Speaker stated that it was to bring the House into order again, that, 'though not according to order,' he had taken the Chair.

He had taken the Chair although it was not according to order. Therefore, the Speaker of that day himself acknowledged that he was acting without authority. If the action which was taken by that Speaker had been a precedent, and had been followed by other precedents, these precedents would be by Parliament to this day. The rules of Parliament have been brought down from precedent to precedent, and when a precedent has been accepted and followed it becomes the law of Parliament. It is because the Speaker who took that action said that he was acting against the law, and because the incident was an isolated case, that his example was not followed. If that be the case, there is no argument at all in the statement of my hon. friend the Minister of Finance. He cannot base the assertion that this power is vested in the Speaker on any such authority as that. There was an incident on a certain occasion afterwards in the British House of Commons, and what took place? Did the Speaker then take the Chair? Nothing of the kind. The conduct of the offending member was referred to and action was taken by the House. A third case of disorder is mentioned, and the question arises as to what then took place—whether the Speaker took the Chair of his own motion or whether there was a report to the House. The Journals of the House have been carefully looked at; but they are not very clear, and, if we are to take the statement that appears in them, it would seem to justify the assertion made by my hon. friend from Portage la Prairie that the Speaker had taken the Chair without any report from the Committee. Let us look at the evidence and try to ascertain what the facts are. It is no use trying to delude ourselves by saying that these words have a meaning which a closer examination does not justify. If the matter were absolutely plain, there would be no occasion to discuss it. I will read to the House what