

F. B. CARVELL PROTESTS AGAINST "GAG" RULE

The Member for Carleton Argues Against Suppression of Free Speech in Parliament of Canada — New Brunswick Humiliated by Hazen and Robidoux

(Continued from last issue)
Mr. DEVLIN: What about Portage la Prairie?

Mr. CARVELL: I have too high an opinion of the integrity and the honour of the hon. member for Portage la Prairie (Mr. Meighen) to insinuate that he would be the author of such a proposition as that to which I have referred. I have always been optimistic; I would prefer to consider him to be open and fair, and I would indeed be sorry to learn that he is the author or father of this iniquitous proposition we are discussing to-night.

I am not in a position to speak at any great length on this matter to-night, and I will make my remarks as brief as possible; but I have felt it my duty to place before the House my real appreciation of the interpretation of these rules. I have done so, and I think I can challenge successful contradiction of any statement I have made as to the interpretation that should be placed upon them. If any hon. gentleman thinks that my statements can be contradicted or explained away, I will be very glad indeed to have him attempt to do so. I consider this resolution to be a most absolute attack upon the liberty of free speech and the rights of the minority that I have ever heard of in any civilized country. The hon. member for Brandon (Mr. Aikins) this afternoon at the Prime Minister yesterday said: If you would rather have the English rules, we will give them to you. I desire to point out wherein the English rules would not be adequate in a country such as this. My friends are perhaps not aware—I know some of them are not—that there is a vital, a genuine difference between the office of the Speaker in the British Parliament and that of Speaker in the Canadian House of Commons. In making the remarks I am about to make, I hope no hon. member will think for a moment that I am making them in any personal reference to the hon. gentleman who now occupies the Chair; I am speaking entirely in regard to the office itself, and not with reference to any hon. gentleman who occupies or has heretofore occupied the Chair in this House. With all respect, I say that the Speaker in the Canadian Parliament, from 1867 down to the present time, is what you might call a partisan, or a party man. I do not say it offensively, but I repeat that he is a party man; he is elected to the Chair, which he occupies for a period of four years, very largely as a reward for party services. I desire to say, however, I believe all our Speakers have attempted to exercise their duties in a fair and reasonable manner. He serves for four or five years, again goes into the party ranks, and continues to be a partisan, in no way to be treated or considered as a judge. He has practically no judicial functions to perform, he simply sits there as a sort of arbitrator to preserve order, to keep the peace between the two parties and to see that the rules are observed. These, as I understand, are the principal functions and duties of the Speaker of the Canadian House of Commons. In England you have an altogether different condition of affairs. There you have a gentleman who has been selected not by reason of any party services but by reason of his supposed ability as an officer to preside over a legislative assembly. Possibly he may be chosen from the party in power, that is not necessary, but probably is working it out when a Speaker is first chosen he is chosen by his political friends. But once he becomes Speaker of the British House of Commons he ceases to be a partisan or even a party man, he becomes as nearly a judge as it is possible for a man to be and occupy a seat in the House of Commons. He is generally elected by acclamation; I think there has been only one instance in the last fifty years when the re-election of a Speaker of the British House of Commons has been contested. I think in 1905 the pres-

ent Speaker was opposed but he was elected by an enormous majority in a constituency which, under ordinary circumstances, would have gone the other way. But they feel in England that once a man is made Speaker he is made a judge of the House of Commons for life, and it is the duty of his constituents to re-elect him and of his former political opponents not to oppose him. The result is that he always returns to Parliament without a contest and no matter what the general result of the election may be, he, as Speaker, is returned. The present occupant of the Speaker's Chair in England has been elected for three of four different Parliaments. I believe he was first a Liberal but when the Conservatives came into power, without hesitation they elected him Speaker. When they went out and the Liberals came in again they too elected him Speaker and if he is alive when the turn of the wheel passes around and the Unionists are again in power as they will be at some time they again will elect him Speaker. For that reason a Speaker of the British House of Commons occupies a different position from the Speaker of the Canadian House of Commons. In the last fifty years I think that only four or five Speakers have been elected in the British House of Commons.

That brings me back to the conditions of closure in the British House of Commons. It is true that the Minister of Justice last night, with the great legal acumen which he possesses, read to us certain rules of the British House of Commons and made certain comments upon them. I want to refer to those rules and also to make a comment on them. Possibly in doing so I may have to make some comments on my friend the Minister of Justice, but I will try to be as fair and as gentle as possible. The Minister of Justice referred to rule 133 of the English House, which is as follows:

"After a question has been proposed, a member rising in his place may claim to move, that the question be now put, and unless it appear to the Chair that the motion is an abuse of the rules of the House or an infringement of the right of the minority, the question must be put forthwith."

That the question be now put," the Minister of Justice said: "No continuance of the debate! No twenty minute speeches. No notices of twenty-four hours, no restriction of the making of the motion to a minister of the Crown. Yet, our rule is more drastic."

The minister uses all the sarcasm of which he has command to show that we do not know what we are talking about. I venture to say that the hon. the Minister of Justice never read twenty-five lines from the British rules beyond what he has quoted. I venture to say he never read a text book on the evolution of the rules of the British House of Commons, he does not know the origin of the rules or the origin of closure. Irishman as he is, he has talked closure all his life but I do not imagine that he knows anything about closure, because if he did he would never have made the statement that he made last night. My friend ought to know that the Speaker of the British House of Commons is a judge and he ought to know that the application of the closure in England is entirely at the dictation and discretion of the Speaker, not of the ministers. Ministers of the Crown in England do not move that closure be applied as they can do under this proposed rule. It is true that a minister of the Crown may make a motion that a certain time, later on, the discussion be closed; but under the English rule it is the Speaker who decides whether or not the time has come to put the question, not the minister, and the Minister of Justice ought to know it before he attempts to lecture the House and talk to this country on the British rules. We expect more than that from the Minister of Justice. It is true that the

Minister of Justice has favoured us on three or four different occasions during this session with his legal acumen. He has told us about the Landry case. He tried to defend his own department for letting a man out of jail in order that he might be a candidate for a Tory office and he has also made a speech showing why we should send a man to jail in order to satisfy the morbid curiosity of the hon. member for North Grey. He has also made a speech on the Coderre case, justifying the blackmailers as he called them and these different rascals whom he found in Montreal and he appeals to the sense of this House: Would any gentleman want to place the Secretary of State in a position to be compelled to defend himself against the evidence of men of that class? If there was any other occasion on which he has spoken I do not know of it. I do know that I wanted him to speak, to give his legal opinion on the Japanese treaty; but he was silent when it came to a question of any importance. When it comes to a question of defending something that we will not be able to discuss when these rules have been adopted, the Minister of Justice is always on deck. But when it comes to give a legal opinion on a matter of great national importance, my learned friend skips out at the Chamber every time. But last evening he got indignant because his privileges would be taken away from him. He said:

"I am thoroughly satisfied the common sense of the people will recognize as being absolutely called for at this moment, if we are to continue to enjoy in this country the blessings and privileges of British parliamentary government."

I wonder how many of his privileges have been taken away from him by this Opposition during this session of Parliament. I have a distinct recollection that he did not lose any of his privileges when we voted one-sixth of the salary as a member of this House. I have an equally distinct recollection that he did not lose any of his privileges when we voted one-sixth of his salary as Minister of Justice! And I am sure he did not lose any privileges when we voted nearly \$5,000 a year for him as an invalid. The hon. gentleman is the last man to talk about privileges being taken away, especially when you consider the course of legislation during the present session. I repeat here a statement that has been made time and time again during this debate and in previous debates, that not once has this House been asked to consider a matter of public interest, from the time it opened up to the present day, when that consideration has not been cheerfully given. Every important matter has been discussed and passed save only the Naval Defence law. All the estimates have been given when asked for, all public business has been discussed reasonably and allowed to go through. If members on this side have objec-

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tions to raise, they raise them in a gentlemanly manner and allow the majority to have their way. So, I repeat, the Minister of Justice is the last man to say that the privileges of members are taken away by the action of members of the Opposition.

But these hon. gentlemen tell us: While it may be true you have given the proper interpretation of these sections, we never intended to exercise the arbitrary right we are taking to ourselves. And we had a declaration yesterday afternoon by the Prime Minister with his hand extended to high heaven in his most dramatic manner, when he wanted the people of this country to believe him that never, so long as he occupied the position he now occupies, should the rights of the minority be trampled upon or the interpretation of the rules made except in a spirit of justice and fair play as between man and man. And within half an hour afterwards we had a spectacle which takes away every profession of faith that he has ever made in this House. There have been several times in the last four or five weeks when my faith in the good faith of the right hon. gentleman has been sorely tried. I must confess, there was a time when I believed that it would be impossible for that right hon. gentleman in his treatment of his fellow members, and especially of members of the Opposition, to do anything except that which would be in accordance with the feelings of the highest gentleman in the land. But I have had three or four rude shocks of late. The first was a certain night, not long ago, I think it was the 10th of March. He had been pressed, and pressed very hard, by gentlemen in this House, including myself, to give the substance of certain correspondence he had with the Admiralty, and he refused to give it. He now admits that the cablegram authorizing him to bring down this correspondence had been in his hands since the day before. And not only did he tell us that he would not bring down the correspondence, but I am credibly informed that he had the right hon. leader of the Opposition as his guest that evening, and bade him good night at ten o'clock without telling him about this correspondence being brought down. Then, he hustled up to the House, where he had his whole body of supporters and sympathizers, male and female, assembled here, and so anxious was he to make a great stroke that he could not wait until the hon. member for Assiniboia (Mr. Turritt) who was speaking, had finished, but had to interrupt that hon. gentleman to make his statement. And the gentleman who yesterday was the mover of the first evidence of coercion in this House of Commons was the man who nearly went wild when that statement was read. And they thought that we were out of business. That was the first time I had a suspicion of the good faith of the right hon. leader of the House. The next was an even more flagrant case. This was on the night of the 14th of March. On that evening the Minister of Public Works (Mr. Rogers) strolled in and said that if the present rules were not enough to put through the business the Government wanted put through, they would have other rules. And I must say I rather admire the Minister of Public Works. He has the sand to tell you to your face what he is going to do to you. He did not hesitate a moment; he did it.

Some hon. MEMBERS: Hear, hear.

Mr. CARVELL: Well, he tried to do it—I think I had better qualify that; he did his best. He brought in his henchman and put him in the Chair when he had no right to be there, driving out of the Chair the regular Chairman. Then the right hon. Prime Minister followed him like a mild little lamb and got up and raised a point of order as to the amendments that he and we had been discussing for ten or fifteen days. Now, the Minister of Public Works always does his work well.

Some hon. MEMBERS: Oh, oh.

Mr. CARVELL: Yes, I give him credit for that. And the man he had put in the Chair, ruled the amendments out of order, of course. But the rest of the game did not work out exactly as they had figured. The events of that evening did not increase my admiration for the right hon. Prime Minister.

Mr. LALOR: Too bad.

Mr. CARVELL: Evidently the same feeling must be operating in the mind of my hon. friend, (Mr. Lalor) because it seems to bother him a good deal, and I think he will find it is operating in the minds of others in this country as well as himself. But if you want anything to crown the actions of the Prime Minister, you have only to consider what we witnessed here yesterday afternoon. We then saw the man who for courteous treatment of his

opponents is not equalled in the British Empire—

Some hon. MEMBERS: Oh, oh.
Mr. CARVELL: Yes, we saw that

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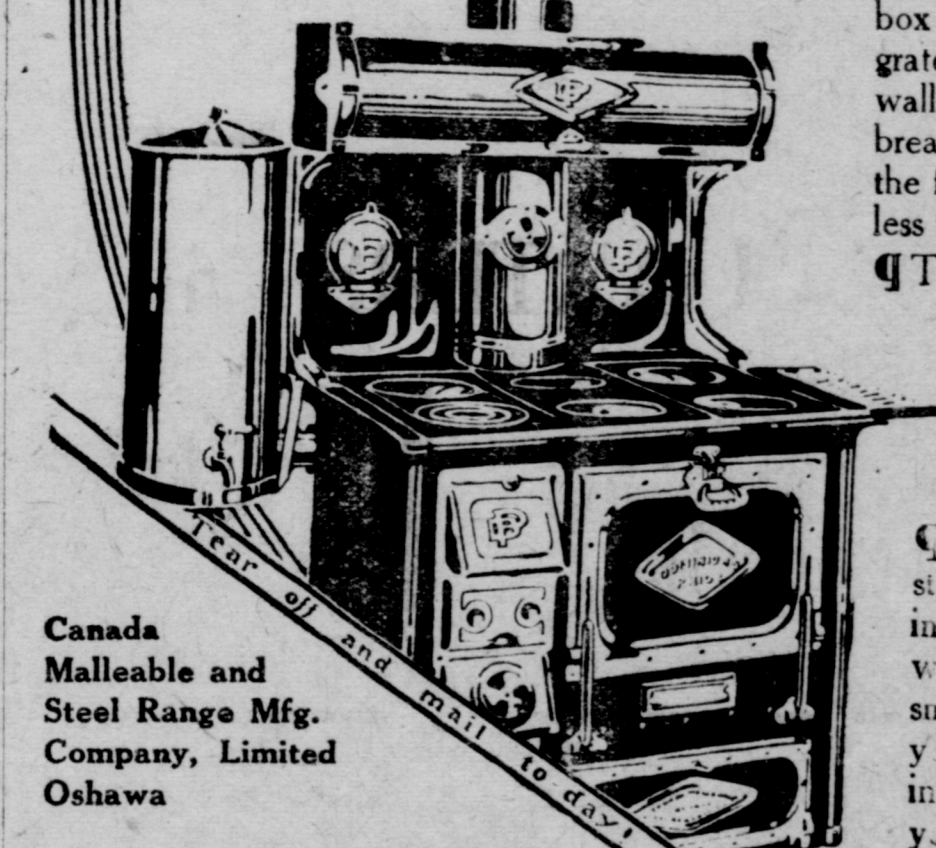
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