

point of privilege, I want to draw your attention to the fact that I have been charged publicly with having challenged Mr. Fudge to go outside and fight. This is untrue. It was Mr. Fudge who waved and pointed to the door. Now that was not broadcast, what was heard was me saying, "What, go outside and fight?" He said nothing, but I saw the motion, and a few people in this House saw it, and my remarks were made after his gesture to the door — "What, go out and fight?" Maybe the reporters were not looking up and around the chamber.

Mr. Chairman Never mind the reporters.

Mr. Smallwood Well, that is where the report went. I may be this and that, but I don't want to be a rowdy. I have been the victim of that sort of thing and I have said nothing about it. I can take it as well as try to give it.

Mr. Chairman Before you take your seat, Mr. Smallwood, I feel compelled to rule that you used unbecoming and offensive language towards the member for St. John's East, and whatever doubt I may otherwise have had upon my finding, it was resolved by your statement that you had nothing on Mr. Higgins beyond the fact that you have been irritated by the manner in which he has debated certain measures before the Chair with you at various times. With the source of your irritation I am not concerned; I am seriously concerned, however, over the fact that members of this Convention and members of the public should labour, or be left under the dangerous misapprehension by words employed by you, and perhaps at a time when you did not intend to convey any such misapprehension, that you had something on Mr. Higgins. According to you, beyond being irritated in the course of debate, you had nothing on Mr. Higgins, and there is nothing factual to justify your leaving the impression with anybody that you had something on him, in other words that his integrity and his honesty was in question. Now, no man can afford to disregard what each needs for his own protection, and it is my duty to preserve you, Mr. Smallwood, or any other member, from loose charges of dishonesty, and that is exactly what I propose to do as long as I am in this Chair for the obvious reason that all members stand equal before the Chair. In the circumstances therefore, Mr. Smallwood, I think you will agree that the fair and proper thing to do is to apologise to Mr.

Higgins for the inferences which were gathered, perhaps quite unfairly so, but none the less effectively, by other members of the Convention and sections of the public outside. I must ask if you would be good enough to unqualifiedly retract, and apologise for any inconvenience or worry which perhaps you have quite unintentionally occasioned to Mr. Higgins by the utterance of the words.

Mr. Smallwood I have explained, but I have no apology to make. I have explained what I said and that eliminates the need of apology.

Mr. Fudge I rise to a point of privilege. Mr. Smallwood tried to kill two birds at one shot. He says I offered him a challenge yesterday afternoon. That is not correct. When he did get a wee bit excited, I suppose I did make motions with my hand to the gallery and to the people there. That was all that was in my mind. Eventually he said, "I am not afraid of you", and he offered to challenge me outside. Mr. Chairman, I am sorry for that, because I am not a rowdy. I can get along with people. But I am not prepared to accept a challenge from Mr. Smallwood and lie down on it. That is not my type. I do not permit Mr. Smallwood or anyone else to put anything over the air that would blacken my character. Therefore, if Mr. Smallwood thought, by the motion of my hand, it was a challenge to him to fight, he must have something. There was no such thing in my mind. When he offered the challenge, yes, I gladly accepted. That is all for now. That challenge still stands in fairness to the people of the country whom I represent.

Mr. Chairman I am going to call a ten minute recess. Before I do so, is there anything further you wish to say, Mr. Higgins?

Mr. Higgins No, sir.

[Short recess]

Mr. Chairman Mr. Smallwood, this is perhaps even more painful to me than it is to you; but having regard to all the attendant circumstances, I am inescapably driven to the conclusion that there was definite violation of standing order 31 yesterday. If I am correct, and I feel I am, the language employed by you was offensive and unbecoming. That being so, it becomes my duty to rule you were out of order on the occasion in question.

Mr. Smallwood It is very clear that I was out of order. I did violate rule 34, or whatever it is. There