

lying that, there are the privileges of Parliament and the question of the proper procedure to be followed in this House, which is perhaps not of second importance to the one I have first mentioned, because upon that is based the preservation of our constitutional rights. I asked the other day for the privilege of calling your attention to:

(1) The right of Mr. Speaker to take the Chair while the House is in Committee of the Whole, unless he has received a report from the Chairman of the said committee, except in special cases provided by the rules; (2) and in the event of his so doing without any such report, or in such excepted cases, as to his right and power to do so to any other end than to adjourn the House.

I desire to discuss this question in a dispassionate and calm way, without regard to incidents that have transpired, and solely with the view of having a discussion in which I think hon. members should take part, as to the rules which prevail, and as to how far the rules of the British Parliament should govern our procedure. I shall confine myself at the outset to the first branch:

The right of the Speaker to take the Chair while the House is in Committee of the Whole, unless he has received a report from the Chairman of the said committee, except in special cases provided by the rules.

If you will permit me, Mr. Speaker, I want to call your attention to a view which I presented on this subject before it had become as acute as it has since become, when we had under discussion the subject of the right of the Speaker to take the Chair. With the indulgence of the House I will quote my utterance on March 10, in the debate of Saturday evening of the week before last. I then made this contention:

When the Speaker forms a Committee of the Whole House I submit that, until the Chairman of that committee makes a report, the Speaker is not in the Chair and there is no session of the House in the sense of the House meeting with the Speaker in the Chair. I quite appreciate the fact that a custom has grown up whereby, at six o'clock, when the committee is in session, the Speaker ascends to the Chair and announces that: It being six o'clock I leave the Chair. He cannot be considered to be in the Chair and he therefore cannot leave the Chair. It is the duty and privilege of the Chairman of the committee to make that announcement. He alone can say: It being now six o'clock I leave the Chair. It was the custom of this House in previous Parliaments and under other Speakers for the Chairman of the committee to make that announcement and it was not usual for the Speaker to ascend to the Chair and say: It being now six o'clock, I leave the Chair. It would seem to me to be beyond all question that under sub-section 4 of section 13,

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in the absence of the Chairman of the committee, the Speaker, in forming a committee of the Whole House, appoint any member Chairman of the committee. Under the rule that Chairman, so appointed at the time of the formation of the committee, must remain in the Chair and, before he can be relieved, he must make some sort of a report.

Then I went on to say:

I do not know that we have ever had a ruling and certainly no clearly-defined decision with respect to the matter; but I submit that there can be no decision that in any respect varies the strict legal declaration of sub-section 4.

That is, of rule 13. Now, Mr. Speaker, there are exceptional occasions when you can take the Chair while the Committee of the Whole House is convened, but those exceptions are provided for in the rules. One is with respect to the hour which is devoted to the consideration of private Bills, on Tuesday evening between 8 and 9 o'clock, and on Friday evening between 8 and 9 o'clock; the other is with respect to a message from His Excellency the Governor General. Our rules provide that, under these circumstances, even although the Committee of the Whole House is in session, it is the right and the duty of the Speaker to take the chair. On the evening of Saturday of the week before last, I called your attention to rule 14 of this House, which reads as follows:

The Chairman of the Committee of the Whole House shall maintain order in the Committee deciding all questions of order subject to an appeal to the House; but disorder in a committee can only be censured by the House, on receiving a report thereof.

I invited your attention to that rule on the occasion mentioned, impliedly putting the question: should that rule prevail in the Parliament of Canada, or should a contrary rule of the British House of Commons prevail in that regard? Now, Sir, I turn to the very first rule of this House, which says:

In all cases not provided for hereinafter or by sessional or other orders, the rules, usages and forms of proceeding of the House of Commons of the United Kingdom of Great Britain and Ireland, in force on the first day of July, 1867, shall be followed.

The proper interpretation to give to that rule, in my judgment, is that where we have not made any special provision under the rules of this House, the rules, usages, and forms of proceeding of the House of Commons of the United Kingdom of Great Britain and Ireland, in force on the first day of July, 1867, shall be followed, and shall govern the procedure of this House. That rule, which stands as rule No. 1 to