

*Privilege*

voted, we will abide by what you say. I hope that will put an end to that.

Also, I want to express my gratitude to the government Whip for helping take up government time.

**Mr. Peter Milliken (Kingston and the Islands):** Mr. Speaker, I would like to make a brief contribution to the discussion because I think the principle that has been raised by the government Whip is an important one. Certainly it is not the practice of this House that members vote twice. Indeed, I would like to refer your Honour to citation 223(3) of Beauchesne's Fifth Edition, page 76, which states:

If a Member who has heard the question put should inadvertently vote contrary to his intention, he may not be allowed to correct the mistake; but his vote must remain as first recorded.

• (1600)

If you look at the Clerk's record for yesterday's votes on the three votes that are in dispute today, Mr. Speaker, I think you will see that the Clerk's record indicates that both the hon. members who have just spoken voted yea on the first occasion and then the mark was removed after the members explained that they were voting nay and that they had only voted once.

I suggest the citation that I have referred to in Beauchesne's indicates that the vote having once been cast by the member rising in his seat, and his name being called and no correction being offered at the time indicates that that vote cannot subsequently be changed, even if the member seeks to vote a second time.

In support of that the learned author of Beauchesne's refers to a debate of July 1. In fact it was in the early morning hours of July 2, 1926, and it was a most famous occasion in this House. The vote was won 96 to 95 votes. As a result of that division on that day, my hon. friends opposite will recall the Meighen government came crashing down. The House was dissolved the next day and it went out in an election—a good thing for Canada!

What happened was that one of the members of the House, Mr. Bird, voted inadvertently. He was paired and he was not supposed to have voted. He rose after the

vote and made this statement as recorded at page 5311 of *Hansard* for July 1, 1926. He said:

I wish to explain to the House, and with extreme regret, that I was paired with the hon. member for Peace River (Mr. Kennedy) who had retired from the House on account of indisposition, and I cast my vote inadvertently.

He at least voted inadvertently. He did not vote twice. The Speaker went on and stated:

—The rule is that when a vote has been recorded, when the result has been proclaimed, and when the motion has been declared carried or lost, that expresses the judgment of the House. This principle is to be found in May, who says at page 343 that a vote once given cannot be withdrawn.

With regard to the claim made by the hon. member for Nelson that he was paired, May, at page 336, says:

There cannot be any parliamentary recognition of this practice (pairing) although it has never been expressly condemned and it is therefore conducted privately by individual members or arranged by gentlemen known as the whips, who are entrusted by their political parties with the office of collecting their respective forces on a division. Therefore, the hon. gentleman having voted in the House, the vote must stand as it was proclaimed by the Clerk.

There was a considerable argument following, a brief but considerable argument, because clearly this vote had very profound implications. Yet, on that occasion, the rule was stated. It is restated in Beauchesne's. It has clearly been the rule in this Parliament for as long as anyone here has been around, and I suggest that once those votes were recorded for the yeas yesterday, the hon. members ought not to have been permitted to vote or to change their vote or to indicate that their vote was any other way. Having been recorded once they were stuck with it. If they chose to move in their seats when a vote was being taken I suggest that is their funeral.

The hon. member says he was going to speak to his neighbour. The rules provide that during the taking of a vote no member shall make any noise or cause any disturbance. The words are very clear in the Standing Orders. If the hon. member wants to rise in his seat, if he wants to move about the House during the taking of a vote, I say it is contrary to the rules, and if his or her vote gets recorded in a way he or she does not want I suggest that is the hon. member's own tough luck.

I say that to have allowed the change yesterday in those votes was improper. To have allowed the second votes I say was improper, and my submission is, Mr. Speaker, that the member's vote must stand as recorded. The precedent in 1926 has to be one of the strongest