

*Northern Ontario Pipe Line Corporation*

which was authoritative in the past and the present rule dealing just with appeals to the house, as it states, was in days gone by a reference to the Speaker for his decision and advice. If he was satisfied that the ruling made by the chairman was sound I presume he would simply put the question.

**Mr. Speaker:** Before the hon. member proceeds further would he be kind enough to give me the page in *Hansard* of 1899 where the Speaker laid down those rules?

**Mr. Churchill:** It was the Deputy Speaker and I think overnight between June 6 and 7 he must have consulted Mr. Speaker. This will be found in columns 4553 and 4554.

I suggest that the Speaker's duty, which I know he clearly understands himself, is to understand everything that comes before this house and to determine whether or not it is in accord with the rules and traditions of parliament. Beauchesne's 1922 edition refers to Hatsell at page 117 as follows:

For the Speaker is not placed in the chair merely to read every bit of paper which any member puts in his hands in the form of a question; but it is his duty to make himself perfectly acquainted with the orders of the house and its ancient practice, and to endeavour to carry those orders and that practice into execution.

I suggest that while perhaps that practice may be called ancient, nevertheless it is sound. I took the trouble to investigate the English practice, and I would refer you to May's fifteenth edition at page 516. I find that in England they have used this method all along of asking advice from the Speaker, as well as simply putting the question as to whether the chairman's ruling should be sustained. I quote from page 516 as follows:

In 1889 appeal was made to the Speaker regarding extensive alterations made by the committee on the tithe rent-charge recovery bill. He stated that, whilst he desired to safeguard the rights and jurisdiction of the chairman of ways and means in giving an opinion on a matter of committee procedure, and although he could not, as Speaker, stop the bill on the point of order that the bill was a new bill, he unhesitatingly affirmed that the practice of the house had been, in a case of this kind, to withdraw a bill which had been so dealt with, and to introduce another bill in an amended form on which the decision of the house could be obtained upon a second reading. The bill was thereupon withdrawn.

I emphasize the fact that this was an appeal to the Speaker for his advice. His advice was accepted by the committee and the bill was withdrawn.

On 27 January 1913 the Speaker was asked to express his opinion as to certain amendments which it was proposed to move to the franchise and registration bill, then being considered in committee of the whole house. The Speaker—

[Mr. Churchill.]

I omit a few words which are not applicable.

—said that the admission of any one of the amendments to which his attention had been directed would so alter the bill as to make it a new bill, and that he would advise the house under the circumstances that the bill should be withdrawn and leave be asked for the introduction of a new bill.

I think that shows clearly that two courses are open to a committee of the whole house, in England as in Canada. I checked the British *Hansard* to see what happened, and I find that on January 24, 1913, Mr. F. E. Smith and Mr. Lloyd George were engaged in the discussion of a point of order. Mr. F. E. Smith is reported in column 879 of the British *Hansard* of January 24, 1913, as follows:

I ask your ruling at once, before the right hon. gentleman proceeds—as it might have consequences no one would desire if the view I am submitting to you is right—as to whether that matter falls within your competence to decide or whether it is not a matter for Mr. Speaker, and Mr. Speaker alone.

He was addressing those remarks in committee to the chairman. Then Mr. Lloyd George, who was also interested in this point of order, went on to say:

The question which I am putting to you, sir, is whether you will rule during the committee stage that the bill has been so transformed that you could not proceed with it during the committee stage. I certainly am not in any sense challenging the opinion of Mr. Speaker, because Mr. Speaker has not given a ruling upon the point, and I am certain that if he did I would certainly challenge it except with Mr. Speaker in the chair. What I want a ruling upon is whether you in committee may feel that the bill has been so transformed as to be a totally different bill that you could not allow any progress to be made with it.

Then the chairman said this:

My answer to the right hon. gentleman is that, in my view, the only thing that concerns me as chairman is whether each amendment as it comes up in turn is in order—that is to say, within the scope of the bill—and otherwise in order. I have nothing to do with the question which appears to be raised, the question of what the cumulative effect of amendments may be with regard to future stages of the bill. That does not fall in any way within my jurisdiction. I should certainly not have any power to stop the bill in committee, however many amendments are proposed and carried, if each one individually was in order.

That was on Friday, and on Monday following the prime minister rose in his place and asked for the advice of the Speaker with regard to this trouble which had arisen in committee. Mr. Speaker is reported in column 1020 as follows:

I believe I should be meeting the general convenience of the house if I were to state now what my view would be supposing certain amendments to the franchise bill were to be admitted. I will say this: If the amendments of which notice has been given by the government, and one or two of the amendments designed to grant women suffrage