

## Northern Ontario Pipe Line Corporation

You will note, sir, that he did not say he was appealing to the house. Then considerable discussion occurred. After Sir Charles Tupper had claimed the right to appeal rather than having to go through the business of moving a motion that the committee rise and report, the Deputy Speaker said, as reported in column 4449 of *Hansard* of that date:

The hon. gentleman will find in Sir John Bourinot, at page 483:

"If it be found expedient in either house to refer a point of order to the Speaker, a member will move that the chairman report progress and ask leave to sit again that day. When the Speaker has resumed, the chairman will report that the committee wishes to be instructed as to the point in question."

Then the committee had a little trouble with regard to the motion to rise and report, which was defeated and they were left in a state of suspended animation.

It appeared then that things had come to an impasse. In column 4451 of the same volume Sir Charles Tupper spoke at some length with regard to this matter and read from Bourinot of that particular period, an earlier volume than the one I have here. He also referred to points of order similar to that which had occurred in 1885 and 1886. This is what he read from the Bourinot that was in his possession in 1899:

If a question of order arise in committee, the chairman will decide it himself, unless it be deemed more advisable to refer the matter to the Speaker. Rule 76 provides that a question of order arising in committee of the whole shall be decided by the chairman, subject to an appeal to the house, but his order to the committee can only be censured by the house on the Speaker receiving a report thereof.

May I indicate here that rule 76 has come down to us with only the slightest modification and appears as standing order 59 (4), which reads:

The chairman shall maintain order in the committees of the whole house, 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 note that in the rule book of 1922 that ruling is substantially the same as it was in 1899 and as it is at the present time. Our present rule has modified the one of 1922 by leaving out two or three inconsequential words, and the rule that was then No. 14 read:

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 suggest, Mr. Speaker, that in 1899 there was a firm course of action established in the House of Commons at this particular stage in its proceedings when the committee of the

whole house asks for an appeal and expects in that appeal to get a decision or advice from the Speaker on a point of order that has been raised; or, failing that, the second course of action which is putting the question.

In column 4452 of *Hansard* for June 6, 1899, Sir Charles Tupper said these words:

It is out of respect to the Speaker that the practice I refer to has been followed—

He had been referring to the practice of 1885 and so on.

—because the Speaker is considered the appellate authority who settles the practices, not only for the house, but the committee, and the chairman of the committee has not the right to prevent the Speaker regulating, if desired by anyone in the committee, the point in dispute.

He goes on to point out how that appeal to the Speaker may be arrived at.

I said that on June 6, 1899, there had been a little difficulty and some uncertainty in the committee. On June 7 of that year the Deputy Speaker rising at the commencement of committee proceedings said this, as reported in column 4553 of *Hansard*:

With the permission of the house, before we proceed with the consideration of this bill, I would like to make a full statement, in view of what occurred last night.

With the view of preventing any such misunderstanding with respect to the procedure on the questions that arose during yesterday's sittings in committee of the whole, and on the appeal to the house from the decision of the chairman of the committee, I may state that I have referred to the authorities on such subjects, and find the following rules laid down authoritatively.

Then he gives the four rules which were the authority of that day and which should pertain to the present. Here they are:

1. If the committee wishes assistance or information on a point of procedure on which they are in doubt, or on which the chairman has not expressed or does not wish to express an opinion, they may ask the advice of the Speaker. But, as a rule of practice, the chairman alone is responsible for the business of the committee, and no appeal can be made from his decision on a point of procedure except to the house.

He then goes on to give the authority. The second rule is:

2. In the former case, where the committee refers to the Speaker for advice, progress is reported on motion duly made, and when the Speaker has given his advice, the committee resumes in accordance with the regular practice of the house.

The third and fourth deal with putting the question and what happens if the Speaker be absent. I bring this out to indicate the two courses of action which are open, to indicate that this is a practice which has been firmly established in the House of Commons but which has not been called into use for a great many years until just this last week or so. In the interval the collective memory of the House of Commons has forgotten the practice