

Northern Ontario Pipe Line Corporation

ruling, and I did say that I had reverted to the position which was the only one for me to take and which is founded on citation 428 of Beauchesne's third edition, which reads:

From the chairman's decision no appeal should be made to the Speaker. In case of an appeal to the house, it is the duty of the chairman to leave the chair immediately and report in writing the point of order which he has decided.

That has been done.

The Speaker must then submit the matter to the determination of the house in the language reported to him and put the question.

So in the execution of that "must" I understand it to be my duty at the moment to put the question: Shall the chairman's ruling be sustained? Those opposed will please say nay.

Some hon. Members: Nay.

Mr. Fulton: On a point of order.

An hon. Member: Sit down.

Mr. Speaker: Order. Those who are opposed will please say nay.

Some hon. Members: No. no.

Mr. Churchill: Mr. Speaker, are you asking for the yeas and nays on your ruling on my point of order?

Mr. Speaker: Would the hon. gentleman be kind enough to resume his seat. If he has any remarks to make I shall be glad to resume my seat and listen to him.

Some hon. Members: Oh, oh.

Mr. Churchill: Mr. Speaker, I raised a point of order which I think is fundamental to the procedure in this house with regard to appealing from the committee of the whole to the house. I suggested to you that the practice of the house in the past followed two courses, first counsel or advice by the Speaker as to the ruling made in the committee of the whole house and, second, the vote or putting the question to the house with regard to the chairman's ruling.

Mr. Speaker: I have listened to the hon. member's point most reverently and I think I have answered it. I think I understand the point.

Mr. Churchill: I am appealing from your ruling on that point of order.

Mr. Speaker: The hon. member has said so, and I understood that was what he intended to do. What he does not understand is that in my view there is no appeal at this moment. I do not want this to be taken as a precedent in the future, but it is my considered opinion that on the matter raised by the hon. member for Winnipeg South Centre at this stage there is no appeal. That

[Mr. Speaker.]

is my opinion. I have thought this over most carefully during the dinner recess that there should not be any appeal at this moment when it is my duty to take the report of the chairman of the committee and submit it to the house.

An hon. Member: Do that.

Mr. Speaker: However, I am sure we will advance much better if I allow the appeal, but I repeat that I do not want this to be taken as a precedent. The hon. member is appealing the ruling I have made?

Mr. Churchill: I appeal your ruling.

Mr. Speaker: Those who are in favour of sustaining the Speaker's ruling will please say yea.

Some hon. Members: Yea.

Mr. Speaker: Those who are opposed will please say nay.

Some hon. Members: Nay.

Mr. Speaker: In my opinion the yeas have it.

And more than five members having risen:

Mr. Speaker put the question as follows:

The question is on the following matter. Upon the receiving of a report from the chairman of the committee of the whole on Bill No. 298, Mr. Churchill raised a point of order to the effect that the decision of the chairman should be subject to review by the Speaker.

I ruled that in accordance with standing order 59 (4) the appeal contained in the report received from the chairman was not to the Speaker but to the house. Whereupon Mr. Churchill appealed from the ruling of the Chair.

The house divided on the question: Shall the Speaker's decision be sustained? And the decision of the Chair was sustained on the following division:

YEAS

Messrs:

Anderson	Carter
Arsenault	Cauchon
Ashbourne	Cavers
Batten	Clark
Benidickson	Cloutier
Bennett	Crestohl
Blackmore	Dechene
Blanchette	Decore
Boisvert	Deschatelets
Bonnier	Deslieries
Boucher	Dickey
Bourget	Dumas
Bourque	Dupuis
Breton	Eudes
Brisson	Eyre
Brown (Essex West)	Fairey
Bruneau	Follwell
Buchanan	Fontaine
Byrne	Forgie
Cameron (High Park)	Fraser (St. John's East)
Campney	Garland
Cannon	Gauthier (Lake St. John)
Caron	Gauthier (Nickel Belt)
Carrick	Gauthier (Portneuf)